

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, March 24, 2010, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss litigation.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. Recognition of Rye Recreation All Star Basketball Team.
4. General Announcements.
5. Draft unapproved minutes of the regular meeting of the City Council held March 10, 2010 and the special meeting of the City Council held March 15, 2010.
6. Residents may be heard who have matters to discuss that do not appear on the agenda.
7. Mayor's Management Report
  - Consultant's Report on Pedestrian Safety Improvements at Oakland Beach Avenue
  - Financial Summary Recap of March 15<sup>th</sup> presentation by City Comptroller
  - Commission Update from the Cable and Communication Committee
8. Consideration to set a Public Hearing to change the City of Rye Zoning Code to include "child-care facilities" as a use in the B-1 District.
9. Resolution authorizing the issuance of \$3,534,000 serial bonds (\$1,372,000 new bonds, \$2,080,000 previously authorized but unissued bonds, and \$82,000 previously authorized but unissued debt) of the City of Rye, Westchester County, New York.  
Roll Call.
10. Consideration of Resolution in support of the Jay Heritage property.
11. Consideration of Resolution to participate in Earth Hour on March 27, 2010 when cities across the world will turn off their lights for an hour at 8:30 p.m.
12. Bid Award for Street Materials (Bid #1-10).  
Roll Call.
13. Appointments to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval.

14. Consideration to set additional meetings of the City Council.
15. Miscellaneous communications and reports.
16. Old Business.
17. New Business.
18. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, April 7, 2010.



# CITY COUNCIL AGENDA

NO. 3      DEPT.: Recreation      DATE: March 18, 2010  
CONTACT: Sally Rogol, Recreation Supervisor

**AGENDA ITEM:** Recognition of Rye Recreation's Boys All-Star Team.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:**

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:**

10 boys were selected from Rye Recreation's Basketball league to represent Rye in the 80th Annual Westchester Boys Basketball Tournament at the County Center – Cub Division. They beat Harrison in the Finals 41 - 39.

Rye Recreation's All-Star Team Roster:

Tim Hale, George Kirby, Stephen O'Connell, Mark Croughan, Max Pomroy, Zack Samberg, Matt Shainberg, Michael Carty, Joe Zulli, Dominic Guarnieri

Coaches: Josh Kirsch, Rashidi Lewis, Robert Angilletta

Supervisor: Matt Trainor



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: March 17, 2010

CONTACT: Dawn F. Nodarse

**AGENDA ITEM:** Draft of the unapproved minutes of the regular Meeting of the City Council held on March 10, 2010 and the special meeting of the City Council held March 15, 2010 , as attached.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Approve the Unapproved Minutes of the regular Meeting of the City Council held on March 10, 2010 and the special meeting of the City Council held March 15, 2010.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on March 10, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVIH  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

Mayor French made the following announcements:

- A special meeting of the City Council will be held on March 15<sup>th</sup> to discuss financial issues.
- Congratulations to Sally Rogol on her 25<sup>th</sup> anniversary with Rye Recreation.

Councilman Filippi made the following announcements:

- 2010 Census forms will arrive next week. It is important for everyone to fill them out and send them back.
- A storm is heading to the area on Friday and Saturday. People should postpone doing laundry until Sunday, so the storm sewers are not overpowered.
- Daylight savings time begins this weekend. It is time to change batteries for smoke detectors; carbon monoxide sensors should be replaced if they are five years old; and battery packs for central alarm systems should be replaced every four years.
- Call the Department of Public Works to report potholes.

Councilwoman Keith made the following announcements:

- Thanks to those who have started the “Lives in Transition” program. It is a great service for those who are contemplating or experiencing career transitions.
- Remember to turn your clock ahead this weekend.

Councilman Sack had the following announcement:

- Two golf course issues were raised last year concerning the prohibition of golf carts from certain fairways and the closing of the golf course on Monday. He has looked at the issue and spoken to the General Manager of the Golf Club and thinks that a way should be found to allow senior citizens, or those with disabilities, to take golf carts on certain fairways where they are prohibited.

4. Draft unapproved minutes of the regular meeting of the City Council held February 24, 2010

Councilman Sack made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 24, 2010, as amended.

5. View of the State Report by New York State Assemblyman George Latimer

Assemblyman Latimer gave an overview of the current budget picture in the State. The legislative session in Albany runs from January to the end of June with most of the attention on the budget in the first three months. The State has the earliest state budget adoption date in the Country. The division between the Executive and Legislative branch is profound, as are the divisions between the two Houses of the Legislature. The current State budget being discussed is the Governor’s Executive Budget. It calls for \$133,958,000,000 in spending, which is under 1% in total increased spending. In order to reach a balanced budget at that number, it will take across the board cuts and revenue increases. Most of the State’s revenue comes from personal income tax, not property taxes, and is an estimated number based on economic activity. In the last two years the economic level has dropped dramatically. The proposed budget closes a projected \$7.4 billion gap between projected revenues and projected expenses as of January. Estimates of revenue are continuing to drop, however, so if passed now, the gap between revenues and expenses would be an additional \$1.2 billion. He said there are revenues in the proposed budget that he will have difficulty voting, for such as (1) the “soda tax”, which would raise the tax on soft drinks and other sugared products to produce \$465 million in additional revenue; (2) the proposal to allow people to buy wine in grocery stores, which would increase the cost of liquor licenses for those stores that can currently only sell beer and raise an additional \$250 million. If these proposed revenue increases are not adopted, they have to be replaced with cuts in equal amounts. In the areas of cuts, he has difficulty with the proposed cut in the STAR program to eliminate the STAR benefit for homes that are valued at \$1.5 million or more. He said the budget cuts \$1.1 million in direct aid to school districts, which can affect local school taxes. The budget also calls for cuts in the CUNY, SUNY and Community College systems, cuts TAP aid by \$75 per person; and calls for reductions in public health programs. He said that another major issue is the MTA tax, which pits the suburbs against the city. The original tax has been modified and there is a proposal to adjust the percentages, which would lower the City’s obligations. The City received a 5% or \$65,000 cut in State aid, which reduces the amount it will receive to

\$1.246 million. He concluded by saying that in the next three weeks \$3 billion must be found in revenue increases or cuts.

Council questions and comments included:

- What about the gross receipts tax? (It has a fair chance to pass and would give municipalities the opportunity to levy a gross receipts tax. It is being opposed by the organizations that the tax would hit such as Verizon and Con Edison. It is a way for the State to give local municipalities some resources to keep property taxes down.)
- The State can do things to reduce the cost of government. Is there any possibility of reform in the area of pensions, health benefits, disability laws or union negotiations? (The first sign of this is the passing of the Tier 5 Bill, which controls the level of pension benefits for people hired after January 1 and requires longer service and a longer term of contribution. Progress will be made step by step over time. In order to change pensions the State Constitution must be changed.)

6. Residents may be heard who have matters to discuss that do not appear on the agenda

*Suzanne Clary, 14 Dogwood Lane*, spoke about the Jay Heritage Center. The property is a designated National Historic landmark. The Jay Heritage Center (the Center) was designated by the New York State Department of Education as the steward of the entire 23-acre Jay property. There is confusion over ownership of the property and who is responsible for taking care of it. The Center owns 1.5 acres and the remaining 21.5 acres are shared ownership with New York State owning 90% and Westchester County owning 10%. Westchester County manages the property for the State. The Center has invested approximately \$8 million to restore the Jay Mansion and the Carriage House and had hoped that the County would restore the property surrounding it. They are concerned about the dumping the County has done on the property from Playland and have tested the fill, which exceeded levels for both environmentally important and residential sites. The Center is appealing to the City to work with the Center to preserve the legacy of the cooperative agreement with the State and County to preserve the area as usable, unpolluted parkland. People need to understand that the Jay Property is separate from the Marshlands and it needs to be protected. The property is a protected site under the City's Landmarks Preservation Ordinance and the Center wants to work with the City to make sure that the proper archeology, environmental treatments and historical treatment steps are taken. The New York State Office of Parks and Historic Preservation is committed to working with the Center and the City to make sure the property is properly restored. The Heritage Center would like the City to participate in meetings regarding the Cultural Landscape Study in order to make sure the project is maintained. Members of the Council suggested that the Council could adopt a formal Resolution of support for the Center and that issues relating to the Center could be incorporated into the discussions of the Playland Advisory Council.

*Michael Clay Johnson, Water's Edge*, presented the Council with information relative to inspections which have taken place on Hen Island over the last year. He said there have been four or five inspections within the past six or seven months. All inspections by the Westchester County Health Department with regard to septic, potable water and mosquito infestation have come back with negative results and no violations were cited. The Department of Environmental Conservation also cited no violations when they visited Hen Island. The Westchester Environmental Crimes Unit has also said there are no violations. As of August 22, 2008 the case

was closed. He asked the Council to consider the residents of Hen Island and what they have been going through.

*Ray Tartaglione*, asked if the City had made a decision about asking the County Health Department to look at Hen Island again. City Manager Culross said the City forwarded Mr. Tartaglione's information but did not make a specific request.

7. Mayor's Management Report

- Report on Recommendations for the City of Rye Law Department.

Former Mayor John Carey said that he and Councilman Sack made the following recommendations for the City Law Department: hire both a Corporation Counsel and Deputy Corporation Counsel who have all the necessary skills to represent the City in practically all the City's legal problems, including litigation. They should not be members of the same firm in order to avoid conflict of interest situations. They should each serve three days a week, with one day overlapping. Councilman Sack said that he believed people should review the document that he and Mayor Carey had prepared. He added that it was a forward looking document in order to determine how things might be done in the Law Department going forward. It was an opportunity to analyze the structure of the Law Department and come up with ways to give Rye the best possible legal representation in the most cost efficient manner. Mayor Carey said that currently more firms are negotiating fixed fee contracts with law firms with respect to billing and he recommended that the City explore this option.

Council comment included:

- The report is on the City website and includes a comparative analysis of what other municipalities pay. (The cost comparison is just a general comparison.)
  - It is difficult to compare with other municipalities because they don't always spend on similar legal matters. (The analysis did not include outside counsel fees, only in-house counsel fees.)
  - The Council should be provided with a detailed chart of 2009 legal spending by category in order to compare forecasts for spending in those categories in 2010.
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- Update on the New York State Thruway Authority Lease for athletic fields.

Mayor French said that the New York State Thruway Authority (the Authority) owns the property across from Rye Country Day School. Last Spring, permission was granted for the Authority to negotiate a lease for the property with the City. There is no lease at this time. Assistant City Manager Pickup said that the Real Estate Division of the Authority has additional requirements that the Council will have to fulfill. State legislation has changed and there is now a Public Authorities Reform Act, which will require the City to show that there is a public benefit to the lease, since it is a below market rate lease, as well as any additional benefits that might accrue. This will be brought back to the Council for approval and then the Authority will use it as a tool in drafting the lease. The parameters of the lease are theoretical because negotiations have not begun. A Rye Recreation sub-committee that is looking at fields in general



has reported that they are still looking at inventory and utilization issues. This may also be a topic for discussion at the joint City Council/Board of Education meeting in April.

Council questions and comments included:

- Does the Recreation sub-committee have a point of view on the Thruway Field? (They are supportive of pursuing any opportunities.)
- The Thruway Field could be a defensive move against development closer to the City.
- The City should try to get more of a solid commitment from the Authority, which will not allow the Authority to cancel it at any time.

Former Councilman Mack Cunningham said it was important for the City to have control of the property and advised the Council, when deliberating on the proposal for a field, to consider the following:

- The New York Thruway Authority “Last Mile Project”, which will be a huge inconvenience to the City. The property might be used by the Authority as a staging area for that project. He said the City Manager should be directed to reach out to the Thruway Authority for information on that project.
- The Tappan Zee Bridge Study suggestion of a bus route in the area. He feels it will either go to downtown Port Chester or to Rye and not behind Kohl’s.

- Rye Town Park Parking Committee update.

Mayor French noted that he and Councilman Sack serve on the Rye Town Park Commission and a subcommittee has been set up to look at parking issues. Kristina Bicher and Caroline Walker presented a report from the subcommittee. The Friends of Rye Town Park addressed this issue in 2002, which was brought before the City Council, and resulted in some changes. The new Rye Town Supervisor, Joe Carvin, offers a new approach to the park, and may represent an opportunity for changes. They highlighted three problems caused by cars parking on the grass: (1) safety; (2) environmental issues caused by idling of cars and trash; and (3) enjoyment, because the park is converted into a parking lot for almost half of the year. Supervisor Carvin invited their group to form a Task Force to examine the issues and they presented their recommendations at the last Town Park Commission meeting. They made three major recommendations:

- Physical barriers should be erected in the park from the northwest corner of the Duck Pond to stone wall on Forest Avenue to control both the number of cars and where they go.
- Parking fees should be raised and differentiated between residents and non-residents.
- Examine alternative methods of parking revenue collection. Automated systems and meters should be considered that would minimize cash, maximize accountability, improve traffic flow and allow for more accurate tracking of parkers.

They hope that these measures can make things better for the neighbors of the park. Alternative methods of transportation should also be encouraged. The Town Park staff has also submitted their plan, but the Parking Committee believes that while some of their suggestions are good, the plan does not go far enough and in some ways goes in the wrong direction. This may take

several years to happen and they hope that the Rye representatives on the Town Park Commission will continue to advance the cause.

Council comment and questions included:

- Everyone on the team is working hard to get Rye Town Park to a point where they can break even financially.
  - The community is galvanized by this issue. Those on the Town Park Commission must decide on the best approach to take.
  - How are the other Town Park Commissioners leaning on the issue? (There is support from the Mayors of Rye Brook and Port Chester on the issue of raising the rates for non-residents. Supervisor Carvin seems to favor a gradual approach that goes in a different direction.)
  - The members of the Commission are in agreement that change needs to happen; the question is how far the change will extend.
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- Park Lane Parking update.

Assistant City Manager Pickup said that a Resolution has been found that was passed by the City Council on February 4, 1976 as a result of requests for parking assistance by residents in the area around the Milton Firehouse. The Council agreed that residents could park with a permit issued by the Clerk's Office in the lot near the Dock Deli. It is staff's recommendation that this solution be continued for the current residents. The Council concurred. Mr. Pickup said he would pass along the information to the concerned residents.

8. Consultant's Report on Rye Meeting House.

Lisa Easton said that she has been working on the Meeting House since 2002 in various aspects, including working to get the property listed on the State National Registry and compiling an Existing Conditions Assessment. A federal grant was received from the Save America's Treasures Program for stabilization of the building. She presented an update on work relative to the stabilization. She and a structural engineer were retained to look at the foundation and the bell tower (Phase I). Last Fall a series of invasive studies were done to investigate what, if any, foundation actually existed. The original structure that was moved to Rye 1867 was 15' by 18' in dimension and was primarily used as a Sunday School for the Episcopal Church. Additions were added between 1870 and 1877. Until 1959 the building had no running water or any services. The building is known as the Rye Meeting House because the time period of the Quaker ownership is one of its most significant periods. The building has survived many storms and floods. The studies done in November observed that there were no footings and the foundation ranges in depth from 18" to 33" and consists of a rubble stone wall with many locations having little or no mortar in the joints. The framing is in poor to fair condition, sized in 2' x 4' wall studs and 2' x 4" roof rafters. It currently has an asphalt shingle roof and at one time had a cedar shake roof. The goal is to stabilize the building so it can be publically used. They are about 50% done with the construction document for the stabilization, which can then go out to bid. The estimate for restoration work on the foundation is approximately \$145,000; structural reinforcement of the tower is approximately \$50,000. Phase II, which would include the exterior of the building, would be \$225,000 and the interior about \$100,000. The total would be about

\$520,000. She urged the Council to leave the funding in place that previous Council's had allocated toward the stabilization, noting that it could be considered match money from the City, which is key in securing grant funding.

Council questions and comments included:

- What period will the building be restored to? (The Grace Chapel period – 1870-1877.)
- The area once known as “Milton Village” was a religious center and it would be a shame if the Meeting House fell down.
- The original business plan for the property called for science programs to be run by the Nature Center, partnering with the Boat Basin and Recreation Commission. The building should be saved, but a new Historic Preservation Plan should be adopted for its use and purpose with a new partner. (There is a movement across the country to make up satellite schools where a facility is used as a training ground to train craftsman.)
- Is Save America's Treasures at risk? (The fund was created during the Clinton Administration and was set aside for properties that have the highest significance in the country. The Obama Administration has voted not to fund the program in 2011.)
- When would the stabilization project start? (The documents on Phase I should be presented to the Council for a decision in May. The building has deteriorated over the years the City has owned it, and the more it deteriorates the more difficult the stabilization process would be.)
- How old are the 2 x 4's that the building is constructed of? (Some are the original construction. The Quakers did some renovations to the foundation, but did not excavate far enough to put in footings.)
- Would the studs have to be brought up to code? (Yes. The new structure would be modern and exposed.)
- What would utilizing the prevailing wage cost? (It would add 20% to 40% to the cost of the job.)
- Has the Landmarks Committee ever looked at the other school house building in the area? (There has been discussion about creating an historic district. The consent of the owner is needed to landmark a structure in Rye. To create an historic district would require the consent of every owner in the district.)

Members of the audience commenting included *Sherry Jordan, Director of the Rye Historical Society; Caroline Cunningham, 18 Soundview Avenue; Sid Burke, 40 Milton Road; Ann Stillman, President of the Save the Bird Homestead and Eugene McGuire, Kirby Lane.* Their comments included:

- The Council should consider restoring this significant historic structure.
- It is very important not to lose the Meeting House. There could be many uses for the property.
- This is an important issue for preserving the character of Rye. It will take a great deal of hard work by many Rye citizens to raise funds.
- It could be a community center or gathering space for those visiting the Bird Homestead.
- There is a relationship between the Meeting House and the Bird Homestead. Part of the Meeting House property was transferred to the Society of Friends from the Bird Family.

The two properties provide a context for each other because of their similarities in period and scale.

- Rye residents are aware of the Meeting House and treasure it.

At the request of Mayor French, Interim Corporation Counsel Wilson outlined the four grants that are pending for the Bird Homestead.

1. New York State Office of Parks and Historic Preservation	\$350,000.00
2. Westchester County	\$200,000.00
3. NYS Strategic Investment Program	\$250,000.00
4. Long Island Stewardship Money	\$200,000.00

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Ms. Easton also gave an update on the status of the roof repair at the main Administration Building at Rye Town Park. She said the project is going according to plan with a target deadline for completion of May 1. The project is restoring some of the structures and making the roof water tight, with the idea of obtaining a long-term tenant who could restore the building. All the tar based products are being removed and replaced with more environmentally friendly products.

Agenda items 9 and 10 were addressed simultaneously.

9. Public Hearing to amend Chapter 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearings.

Members of the public commenting included *Irwin Lefkowitz, 38 Oakwood Avenue; Paul Benowitz, 29 Ellsworth Street, and Nick Everett*. Their comments included:

- Is there a need for notification for the Board of Architectural Review? If someone is doing something on their property “as of right” they should not have to notify their neighbors. The notification requirements for the Board of Architectural Review should be eliminated or the City should make the notification.
- There is a need to notify abutters. They can bring important issues to the Board of Architectural Review that might have been overlooked.
- Requiring a Certificate of Mailing from the Post Office should clear up the recent issues regarding people stating they did not receive notification.
- The architectural community does not object to being the ones who do the notification.
- The applicant should do the notification because it involves them with their neighbors.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearings.

Council comments and questions included:

- What is new in the proposed local laws under consideration? (The purpose was to codify a Building Department process. It clarifies who is notified and the method of notification and eliminates the requirement for an affidavit. The notification area for all boards is made consistent at 300 feet as well as the number of days prior to a meeting that the notification must be made.)

Councilwoman Keith made a motion, seconded by Councilman Jovanovich to adopt the following local law:

**LOCAL LAW  
CITY OF RYE NO. 3 OF 2010**

**A Local law to amend Chapter 53 “Architectural Review” by amending §§ 53-3 and 53-10 of the City Code of the City of Rye and rescinding § 68-8 “Building and Demolition Permits” (G) “Notice”.**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1. Chapter 53 “Architectural Review” is hereby amended by amending Section 53-3 “Meetings and procedures of Board” as follows:**

§ 53-3. Meetings and procedures of Board.

C.

Notice. An applicant for a building permit needing Board of Architectural Review approval for any project, except small projects as defined in Chapter 53, shall notify abutting property owners and property owners across the street of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules and schedule B of the Building Department. If a property within the notification area is a multi-family dwelling, apartment building, cooperative or similar type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail and the notice shall substantially conform to the model notice in Schedule A. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt required). All certificates of mailing must be provided to the Building Department at least five (5) days prior to the public hearing.

**Section 2. Repeal.**

Repeal Section 68-8 “Building and Demolition Permits” (G) Notice.

**Section 3.** Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 4.**

This local law shall take effect as of May 1, 2010.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith, Parker and Sack  
NAYS: None  
ABSENT: None

The local law was adopted by a 7-0 vote.

10. Public Hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

This agenda item was discussed simultaneously with Agenda Item 9 above.

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following local law:

**LOCAL LAW  
CITY OF RYE NO. 4 OF 2010**

**A Local law to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-6 “Procedures for Tentative approval of Preliminary Layout” as follows:**

§ 170-6 (F). Procedures for Tentative approval of Preliminary Layout.

F. Informal public hearing and public notification by subdivider. The Planning Commission, at its discretion, may hold an informal public hearing on the preliminary layout, particularly where the layout of the subdivision will affect adjacent properties. In the event that more than one informal public hearing is held, a fee, to be set by the City Council annually by resolution before adoption of the budget, shall be paid for each additional informal public hearing. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the notice shall only be mailed to the property owner of record. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list and shall post a sign on the property in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the subdivider shall provide to the City Planner all certificates of mailing.
- (4) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.
- (5) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

**Section 2. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-7(C) “Procedure for Approval of Subdivision Plat” as follows:**

Public hearing and public notification by subdivider. Before the Planning Commission acts on any subdivision plat, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the notice shall only be mailed to the property owner of record. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list and shall post a sign on the property in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the subdivider shall provide to the City Planner all certificates of mailing.
- (4) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.
- (5) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

**Section 3. Chapter 196-15 “Telecommunications – Public hearing required” is hereby amended by amending Section 196-15(A) “Public hearing and public notification by applicant” as follows:**

§ 196-15 Public hearing required.

A.



Public hearing and public notification by applicant. Before the City Council acts on any application, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner's mailing address for each property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the notice shall only be mailed to the property owner of record. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list by certified mail with certificate of mailing. The above mailing and posting notice requirements must be performed in accordance with the following requirements:

(1)

The delivery of mailing shall be limited solely to the public notice provided by the City Planner.

(2)

The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.

(3)

At least five business days prior to the public hearing, the applicant shall provide to the City Planner all certificates of mailing.

(4)

At least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the City Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.

**Section 4.** Chapter 195-5(C) "Permit standards and procedures" is hereby amended by amending Section 195-5(C) "Public hearing and public notification by applicant" as follows:

**§ 195-5(C) Public hearings and public notification by applicant.**

(1)

When an activity subject to regulation under this chapter also requires Planning Commission approval pursuant to another chapter of the Code of the City of Rye, the requirements for public hearings and public notification by the applicant shall

be the same as required for the other approval. When the only other approval involves Chapter 73, Coastal Zone Management Waterfront Consistency Review, the requirements below shall apply. When an activity subject to regulation under this chapter does not also require Planning Commission approval pursuant to another chapter of the Code of the City of Rye and, in the case of Chapter 73, Coastal Zone Management Waterfront Consistency Review, before the Planning Commission acts on the application, it shall hold a public hearing. The applicant shall provide additional public notification in accordance with the public notification requirements set forth in the Planning Commission's rules and regulations adopted pursuant to this chapter. All public notifications must be mailed via certified mail with a certificate of mailing. At least five (5) days prior to the public hearing, all certificates of mailing must be turned into the Planning Commission.

(2)

Insofar as possible, any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act, and only one public notice need be prepared, provided that the notice contains all of the information required for each hearing.

(3)

Any party may present evidence and testimony at the hearing. At the hearing, the applicant shall have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth in § 195-5D.

**Section 5. Chapter 197-81 "Appellate Jurisdiction of Board" is hereby amended by amending Section 197-81(F) "Public Notification by applicant" as follows:**

To facilitate public notification, the applicant shall prepare a public notification list using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and the owner's mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. The applicant shall deliver a copy of the public notice provided by the City Clerk to all of the property owners contained on the public notification list by mail in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Clerk.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the applicant shall provide to the City Clerk all certificates of mailing.

- (4) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

**Section 6.** Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 7.**

This local law shall take effect as of May 1, 2010.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith, Parker and Sack  
NAYS: None  
ABSENT: None

The local law was adopted by a 7-0 vote.

11. Two appointments to the Finance Committee for a three-year term, by the Mayor with Council approval

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Michael Guarnieri to the Finance Committee for a three-year term expiring on January 1, 2013.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Paula Schaefer to the Finance Committee for a three-year term expiring on January 1, 2013.

12. Designation of the Chairman of the Rye Playland Advisory Committee by the Mayor

Mayor French appointed Charles Dorn Chairman of the Rye Playland Advisory Committee for a term of one year.

13. Miscellaneous communications and reports

Councilwoman Keith reported that the Joint Board of Education/City Council Task Force walked around Milton School and Midland School to study issues raised as part of the feedback from the joint meeting with the Board of Education held in February. They will be working with

the Safe Routes Committee with a goal of bringing recommendations to the joint meeting of the City Council and Board of Education on April 10. She noted that this, along with the consultant's report on Sonn Drive, would be discussed at the Traffic and Pedestrian Safety Committee Meeting on March 11.

14. Old Business

Councilman Sack asked Interim Corporation Counsel Wilson if the signs at the Golf Course that prohibit sledding could be changed to "Sled at your own risk". Ms. Wilson said they could be changed and was preparing a memorandum for the Council on the liability issue.

Councilwoman Parker asked Ms. Wilson to comment about imposing a vacancy tax on landlords who had let their space go unrented for longer than a year. Ms. Wilson said that a tax is not permitted under New York State law, but added that there are other tools that municipalities have enacted such as creating registers for distressed properties that require a fee to register. Other communities deem any building that is vacant for more than a year a "public nuisance", which allows for action against a property owner for an unsafe building. She added that she is continuing to research what other communities have done. Ms. Parker asked Ms. Wilson to look at what the next steps would be for the "Black Bass Grill" property and property on Wainwright where the owners have not been keeping up on property taxes. Ms. Wilson said she would look into what other municipalities have done based on the authority they have to deal with distressed properties. City Manager Culross pointed out that if a property owner does not pay their taxes, the City obtains a lien against the property. Mayor French said this might be a subject for a Government Relations Committee to look into.

15. New Business

Councilwoman Keith said "Earth Hour" would be coming up on March 27<sup>th</sup>. Cities throughout the world will turn out their lights for an hour at 8:30 p.m. She referred people to the myearthhour.org website. The Environmental Advocacy Group has suggested that the City of Rye might participate. She asked if this event could be put on the agenda for the March 24<sup>th</sup> meeting. Ms. Keith also suggested speaking to the Conservation Commission/Advisory Council about working on a Sustainability Plan for the City. She also noted that the City was rated first in the County in recycling.

16. Adjournment

There being no further business to discuss, Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



***DRAFT UNAPPROVED MINUTES*** of the  
Special Meeting of the City Council of the City of  
Rye held in City Hall on March 15, 2010 at 7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVIĆH  
SUZANNA KEITH (Arrived at 7:09 p.m.)  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Prior to the beginning the agenda topics, Mayor French offered his thanks to the City Manager and Police Commissioner for their communications to the Council during the weekend storm and asked City Manager Culross for an update. Mr. Culross said that this storm was more of a coastal storm and did not involve riverine flooding. He said that both the Department of Public Works (DPW) and Con Edison were still actively involved in the storm and recovery. He advised people to go to ConEd.com in order to trace progress on power outages and said that it will take the DPW a few more days to clean up from the storm.

3. Review of 2009 budget results

City Comptroller Jean Gribbins began by saying she would be speaking about the economic sustainability of the City. She said her reference to Capital Projects included not only Capital Projects, but Building Projects and City Vehicles. She advised that the City needs to take careful steps in order to improve its financial position in the short term and sustain it in the long term. Challenges the City faces include maintaining and strengthening its Fund Balance and cash positions, the payment of the \$5 million balloon payment due to Aero Hardware and Parts on May 1<sup>st</sup> for the building at 1037 Boston Post Road, and addressing the 2011 and future budgets. In the past, the General Fund Budget has been designed to use Fund Balance to pay for

Equipment and Capital Projects. City Policy allows unreserved and undesignated fund balance to be appropriated as part of the adopted budget to fund capital, emergency or unusual and non-recurring expenditures or expenses. It should not be used to fund operating expenditures and expenses in the adopted budget. The policy does not prohibit the use of operating revenues for capital expenditures and expenses. This was sustainable when revenues outperformed what was budgeted, creating a surplus to use for capital and equipment purchases. Over the past four years the amount of Fund Balance used for Capital Projects in each budget has decreased, with the city budgeting less towards equipment purchases and capital projects. General Fund Fund Balance is shrinking and the City needs to stop dipping into Fund Balance and should consider going out for more debt and budgeting for capital and equipment purchases as part of operating expenses, rather than using Fund Balance.

Ms. Gribbins said that in 2009, the City reacted to falling revenues by cutting expenses. Most of the expense reductions came from deferring purchases that will ultimately need to be made, because some expenses can only be deferred for so long before service levels are negatively affected. The preliminary Unaudited Results for 2009 show the City with an operating profit of over \$900,000. Actual expenditures came in almost \$1.5 million below budget and over \$670,000 below forecast. Transfers to Capital Projects of \$1.7 million offset the profit and resulted in use of \$821,000 of Fund Balance. Cost cutting done in 2009 was factored into the 2010 Budget. By Financial Policy the lowest allowable level of Fund Balance is 5% of expenditures. After 2010 the \$1 million “safety net” is all that will be left to absorb operating losses for all years moving forward and using the “safety net” will bring the Fund Balance to a low level of only \$1.4 million, which is uncomfortably low. Since Fund Balance is 5% of expenditures, as expenditures fluctuate, the required amount in Fund Balance fluctuates.

4. Presentation on the City’s cash position with an overview of budgeted projects

The City seems to have a comfortable cash position right now, but has almost \$5 million less cash at the end of 2009 that it did at the end of 2006. The City has obligations, which include \$5 million owed to Aero Hardware and Parts Inc. When obligations are subtracted from cash on hand, the City’s cash position is weaker. The City authorized debt dating back to 2006 for Capital projects that were to be paid for with bonded money, but has not gone out for debt since 2005. The City should now borrow money to replenish the cash that was spent in 2006. The City has paid for Capital Projects such as the Elm Place Wall out of its own funds during 2007, 2008 and 2009, but has yet to receive the reimbursement money from FEMA. The City also spent over \$1 million in funds for the acquisition of the Bird Homestead that were supposed to be reimbursed, but have not been received yet. The City is owed over \$4 million in unissued debt or amounts owed from others and has run out of cash it can lend out or spend before it is reimbursed. The City may have to explore the possibility of Grant Anticipation, or short term borrowing in the future in order to fund capital projects that it will be reimbursed for. There are three projects in the 2010 Budget that will be paid for, either all or in part, by Federal and State reimbursement grants, but projects that seem to be “at no cost to the City” become costs when the reimbursements are delayed or not received.

5. Analysis of the City's cash flow position and the challenge presented by the \$5.0 million payment due to Aero Hardware and Parts in conjunction with the City's acquisition of 1037

Ms. Gribbins said that the next major financial obstacle the City faces is the \$5 million balloon payment due to Aero Hardware and Parts (Aero Hardware) on May 1, 2010. The City has entered into an agreement to extend this deadline for two years, but it will be very expensive for the City. The interest rate will be 5.75%, which will cost the City \$24,000 a month in interest every month after May 1, 2010. Another factor is the gross up of the amount due in order to negate the Capital Gains tax increase that is scheduled to happen in 2011, which would increase the balloon payment to \$5,312,500. Ms. Gribbins proposed the City make five installment payments of \$1 million each on May 1, July 1, September 1, November 1 and December 1. This schedule would cost the City about \$96,000 in interest in 2010. \$192,000 has been budgeted in interest on the extension of the payments beyond 2010. The proposed payment schedule would create a budgetary savings of \$96,000 in 2010 and avoid the Capital Gains Gross Up in 2011 as well as allowing the City time to evaluate the cash flow impact on a regular basis. A Resolution presenting the payment plan will be submitted to the Council.

\*\*\*\*\*

Ms. Gribbins said that a Resolution will be submitted to the Council at the March 24 Council meeting to go out to bond for the following projects totaling \$1,372,000, which were budgeted in the 2010 as bonded projects:

- |                                  |           |
|----------------------------------|-----------|
| • Theodore Fremd Wall            | \$280,000 |
| • Central Avenue Bridge          | \$360,000 |
| • Bowman Avenue Sluice Gate      | \$322,000 |
| • Old Milton Road Drainage       | \$210,000 |
| • Peck and Midland Traffic Light | \$200,000 |

There is also \$2,080,000 of authorized and unissued debt that the City is authorized to borrow that would bring the total bond issue to \$3,452,000. She said it was important to go out for debt as soon as possible since the debt refunding just closed on March 10 and we would only have to update the OS for 2009 audited results. It would also save money on fees with the Bond Counsel, financial advisors and the Rating Agency. The City will also be able to take advantage of the current low interest rates. She said she would like the Council to ask the Finance Committee to review the City's debt limits in the Charter because the current limits are very restrictive given current economic conditions.

Staff will be asking to defer a number of Capital Projects that were to be funded using Fund Balance, pending receipt of the case advances for the Elm Place Wall and the Bird Homestead acquisition.



6. Preliminary assessment of the 2011 Budget and the impact of a 5% budget reduction in 2011

Ms. Gribbins said the challenges facing the 2011 Budget include a decrease in assessed values; overall cost increases; increased health insurance costs for existing employees and retirees; potential additional reductions in State Aid; reductions in Mortgage Tax Revenues; reductions in Sales Tax Revenues and funding capital and equipment purchases through operations. On a positive note, due to the refunding of four issues of the City's debt, the organic increase in debt service principal and interest payments will be offset by the savings gained on refunding and paying off the \$5 million to Aero Hardware will save interest that would have been due on the extension.

City Manager Culross said that at first look, repeating the 2010 service levels would require an 11% tax increase. Assessed values are expected to be 1% lower and elastic revenues flat. In order to keep the tax rate flat, \$2.1 million must be cut from the budget or 7% of the current budget, which will impact service levels.

Council questions and comments relating to all topics:

- With a growth in expenses and decrease in revenue, business as usual is unacceptable. City Management and the Finance Committee should look at structural changes.
- What capital projects could be deferred to 2011? (The Boston Post Road Retaining Wall design; CBD Traffic Light at Purchase/Purdy/Theodore Fremd design – if the design on these projects were deferred to the end of 2010 it would not impact the ability to do them in 2011; Milton Cemetery Bridge ; Stoneycrest Road Drainage design ; Police/Court Renovation study ; Gagliardo Park Restroom project and Meeting House project. This would defer \$544,000. Additionally two pieces of Public Works Equipment could be deferred for \$520,000. If necessary, part of the street resurfacing could be deferred as a last resort. This would be done to manage cash flow.)
- What new projects would be bonded? (The City share of the Theodore Fremd Avenue Wall, Central Avenue Bridge and the Bowman Avenue Sluice Gate; the Old Milton Road Drainage and the Peck and Midland Traffic Light.)
- Is it simplistic to say that the cushion that the Fund Balance has provided is now gone? (That is the way the Fund Balance was designed, so that revenues that came in over budget were to be used for capital projects. Now that revenues are coming in under budget, the City does not have the surplus to fund capital projects.)
- What is the purpose of the extra \$2 million in bonding? (Without the cash the City cannot pay Aero Hardware. The money will replenish the cash used to pay for projects from the General Fund in 2006.)
- Is Bond Counsel certain that the \$2 million can be used for the purposes the City wants? (The purpose in the Resolution will be for the purposes that the money was advanced. The City can borrow money that was paid out in the past.)

- Can the City take money from other areas to pay Aero Hardware – doesn't it have to go to a referendum? (The replenished cash will be used to pay Aero Hardware. Paying Aero Hardware in 2010 avoids the expense in the 2011 budget of the increased interest payments.)
- Who is the City waiting to be paid from in connection with the fire truck purchase and Police Building Improvements? (The City is reimbursing itself for money that the General Fund lent to the Building and Vehicle Fund.)
- What projects were covered by the \$2 million of authorized bonding? (Police Building Improvements in 2006, the Fire Ladder Truck in 2006, the Theall Road Reconstruction project and the Upper Dogwood Sewer.)
- Is there anything that can be done to get the reimbursement money for the Elm Place Wall and Bird Homestead in faster? (The Elm Place wall is FEMA money that the City is fully submitted for. When the City asks FEMA for updates, we are told it is not ready.)
- How would exploring the level of debt requirements in the Charter impact the City's Aaa rating? (Using more and more Fund Balance could affect the Aaa rating. The City has to evaluate its amount of debt and the amount of Fund Balance and address the issue. The debt restrictions in effect are in a Charter that was approved in 1960 and worked in the past but will not work in the future.)
- Are Buy American Bonds programs still available? (The Finance Committee can look into it.)
- Are we waiting longer for reimbursement on projects than in the past? (Every agency in Albany has taken a 20% cut in their operating budget, which does have an affect. The Bird Homestead grants are a combination of State, County and Federal grants and that reimbursement is more speculative. The City has received requests for additional information on two of the grants. The City prefers receiving an award letter before obligating the City for its share of the funding.)
- If the City is looking at an 11% increase in 2011 just to replicate 2010 levels, is it time to start thinking about cutting services? (This presentation was a beginning. Last year the bulk of the operational cuts were taken by the General Government services group, with several departments losing people, but cannot take much more of a cut. The Police could not take a 10% cut. The Recreation Department, the Library and the Department of Public Works might be looking at 10% cuts. Where spending can be deferred, it will be in order to grant the Council as much flexibility as possible.)
- Is there any possibility that the City Manager's proposed budget will come out earlier than November in non-election years? (It would be more useful to deal with service level alternatives and what the implications would be rather than introducing the budget document earlier.)
- Regarding the budget process, the three governing principles the Council would want to use are: (1) let the professionals come back with a financial and operational plan; (2) empower the Boards and Commissions to vet the ideas; and (3) engage the public.
- The City Manager should work with the Department Heads and the Library early on regarding the issues.

- How much can the City borrow now without having to have a public referendum and how do Grant Anticipation Notes factor into that amount? (Grant Anticipation Notes may not fall under the bonding restrictions of the Charter because they are short term funds that will be reimbursed. In the 2010 budget subject to City Council vote, \$1,390,040 borrowing can be authorized; \$1,642,610 can be borrowed under permissive referendum and beyond that amount a public referendum is required, except for the public safety exemption.)
- What about the deferred projects that utilized Rec Bond funds? (The proposal is to put the money aside to pay the debt on the bonds.)
- Why was the Council told last year that the Rec Bond money could not be used to pay the debt? (85% of the money was supposed to be spent within the first three years. The City is trying to mitigate that, and one of the ways is to set aside part of the money. The intent had been to spend the money on projects and apply any left over to the debt.)
- How much of the Rec Bond money was left prior to being earmarked for projects? (\$890,000)
- Why are we deferring projects if the money has to be used? (The Bond Attorney told the City that the money could be re-appropriated. The suggestion is to defer spending the money at this time in 2010. The City has more information now than it had several months ago.)
- Will there be any penalties if the Rec Bond money is deferred any further? (The amount has been mitigated by spending \$414,000 for the Rye Town Park Roof project and the \$226,500 in the 2010 budget for Damiano improvements.)
- Explain how the draw down of the Fund Balance will affect the City? (The rating agencies have noted that the Fund Balance has gone down. The City's financial position is still strong, but not as strong as it was four or five years ago.)
- Is there concern that the Aaa rating might be at risk? (There is concern the rating might be at risk if nothing is done.)
- City Management should not only look at service levels, but also how departments could be restructured to be more efficient.
- How long is the public referendum process? (The City's best practice is to only have public referendums as part of the general election in November. The Council would have to pass a Resolution at the August 11<sup>th</sup> Council meeting to allow 60 days to meet the publishing requirements. If adopted, the money might be available in the beginning of 2011.)
- Will deferring the Purchase/Purdy/Theodore Fremd traffic light design impact being able to implement the project? (If it was deferred for the whole year, it would slow the project but it could still be constructed in 2011.)
- Isn't the Stoneycrest Sewer design tied to the Forest Avenue study? (If a sidewalk is built on Forest Avenue, there must be an understanding of the location of the Stoneycrest sewer.)

Public Comment:

Members of the public commenting included *Arthur Stampleman, David Blank, Laura Leach and Warren Keegan of the Finance Committee and Robin Jovanovich*. Their comments and questions included:

- Is any of the proposed \$3,450,000 borrowing to cover funds that are expected to be reimbursed? (It is only for long-term borrowing for the life of the projects and will not require a referendum.)
- The policy of only using Fund Balance for capital expenditures is only about 10 years old.
- Would deferred projects be done once reimbursement money is received? (Unless the economy deteriorates further.)
- Is the City involving its elected officials at the State level to press for collection of FEMA monies? (It is outside their purview.)
- What services could be affected by deferred projects? (There is a certain level of expenditures that must be done on an annual basis and the levels may not be met at the current rates.)
- How does the increase in bonding affect the 2011 tax increase? (The increase in bonding is offset by the savings from the refunding.)
- Does the \$1 million reimbursement for the Bird Homestead come from FEMA? (None comes from FEMA. It comes from four different sources: The State Office of Parks, Recreation and Historic Preservation; New York State Strategic Investment Program; Westchester County; and Long Island Sound Stewardship. Additional monies are owned to the City by the Committee to Save the Bird Homestead.)
- If the City issues \$3.4 million of debt will the money be set aside to pay Aero Hardware or to continue other projects? (\$1.372 million is for new projects.) Where would the additional money come from to reach the \$5 million for Aero Hardware? (From money in the bank now and from expected reimbursement money from FEMA.) Will there be any money to spend on Capital projects? (No)
- Has the City looked at restructuring to find savings for the 2011 budget that will still be consistent with the City's mission? (This is being done. The Police Department and Public Works Departments are smaller than they were in 2009.) Is restructuring, such as integration with neighboring communities, a possibility? (Maybe not for 2011, but going forward the City will have to look at different ways of providing services, such as contracting services, but the community must be willing to accept this.)
- How much was saved by the refunding? (Cash savings of over \$900,000 over ten years, with a present value saving of about \$800,000 for the ten years. For 2010 about \$90,000.)
- Is there anything that can be done in the City to limit benefits for new employees?

Additional Council questions and comments:

- Is there a provision in the agreement with the Save the Bird Homestead Committee for them to make up the onerous fees the City will have to pay relative to 1037 Boston Post Road? (The Committee is contractually obligated to pay the City whatever grant money does not come through. The interest they pay is tied to our investment, not our costs.)
- Bond Counsel should attend the March 24<sup>th</sup> City Council meeting to answer questions.

- Could the Finance Committee look into further shared services with the Board of Education.
- What is the current interest rate? (The refunding rates range from 2 to 4% depending on when the issues mature.)
- An analysis should be provided of the incremental growth in major City Departments due to health costs, contracts, pension costs, etc. over one, three and five year intervals to determine what would happen if no action is taken by the City.
- The 0% increases budgeted for labor contracts in the 2010 budget could result in a shortfall.
- The 2010 budget was a reset budget. Structural changes must be made. Staff should come up with a financial and operational plan. The Finance Committee should look at policy changes that must be made.
- Plan for a flat tax increase. Don't look at integrating services yet.

7. Adjournment

There being no further business to discuss, Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: March 2, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

March 10, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Consultant's Report on Pedestrian Safety Improvements at Oakland Beach Avenue by Ryan Coyne of Kellard Sessions Consulting, P.C.
- Financial Summary Recap of March 15<sup>th</sup> presentation by the City Comptroller Jean Gribbins.
- Commission Update from the Cable and Communication Committee



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Planning

DATE: March 18, 2010

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Consideration to set a Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council set a public hearing date.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other: Land Use

**BACKGROUND:** A request has been made to change the City of Rye Zoning Code to include “child-care facilities” as a use subject to additional standards and requirements in the B-1 District, a neighborhood business district, and to provide for off-street parking requirements for such use.

The Planning Commission supports the proposed zoning amendment.

Please see attached memorandum.

A Public Hearing must be held to complete the process.

Christian K. Miller, AICP  
City Planner  
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<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

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To: Rye City Council

From: Christian K. Miller, AICP, City Planner

cc: Rye City Planning Commission

Date: March 18, 2010

Subject: **Petition to Amend the City Zoning Code to allow “Child Care” in B-1 Neighborhood Business Districts**

The City Council has received a petition requesting that it amend the City Zoning Code to allow Child Care as a *Use Permitted Subject to Additional Standards and Requirements* in the City’s B-1 Neighborhood Business District. This text amendment requires that such uses not exceed 30 children, have a minimum lot size of 10,000 square feet, be adequately screened and have sufficient outdoor play area as required by state and/or county entities, which regulate such uses. The text amendment also sets forth minimum on-site parking requirements.

This petition has been submitted by the property owner of 180 Theodore Fremd Avenue. This property is currently under review by the Planning Commission in connection with an application by Cornerstone Children’s Center to open a child care facility. At its February 2, 2010 meeting the Planning Commission unanimously agreed to support the proposed zoning petition to the City Council to allow child care uses in the City’s B-1 Neighborhood Business District.

**Background**

Last July Cornerstone Children’s Center submitted an application for site plan and wetland permit approval from the Planning Commission to operate a day care at 180 Theodore Fremd Avenue. Child Care uses are not permitted in the B-1 Neighborhood Business District and therefore City Council approval is required to amend the City Zoning Code.



## **Petition to Amend the City Zoning Code to allow “Child Care” in B-1 Districts**

March 18, 2010

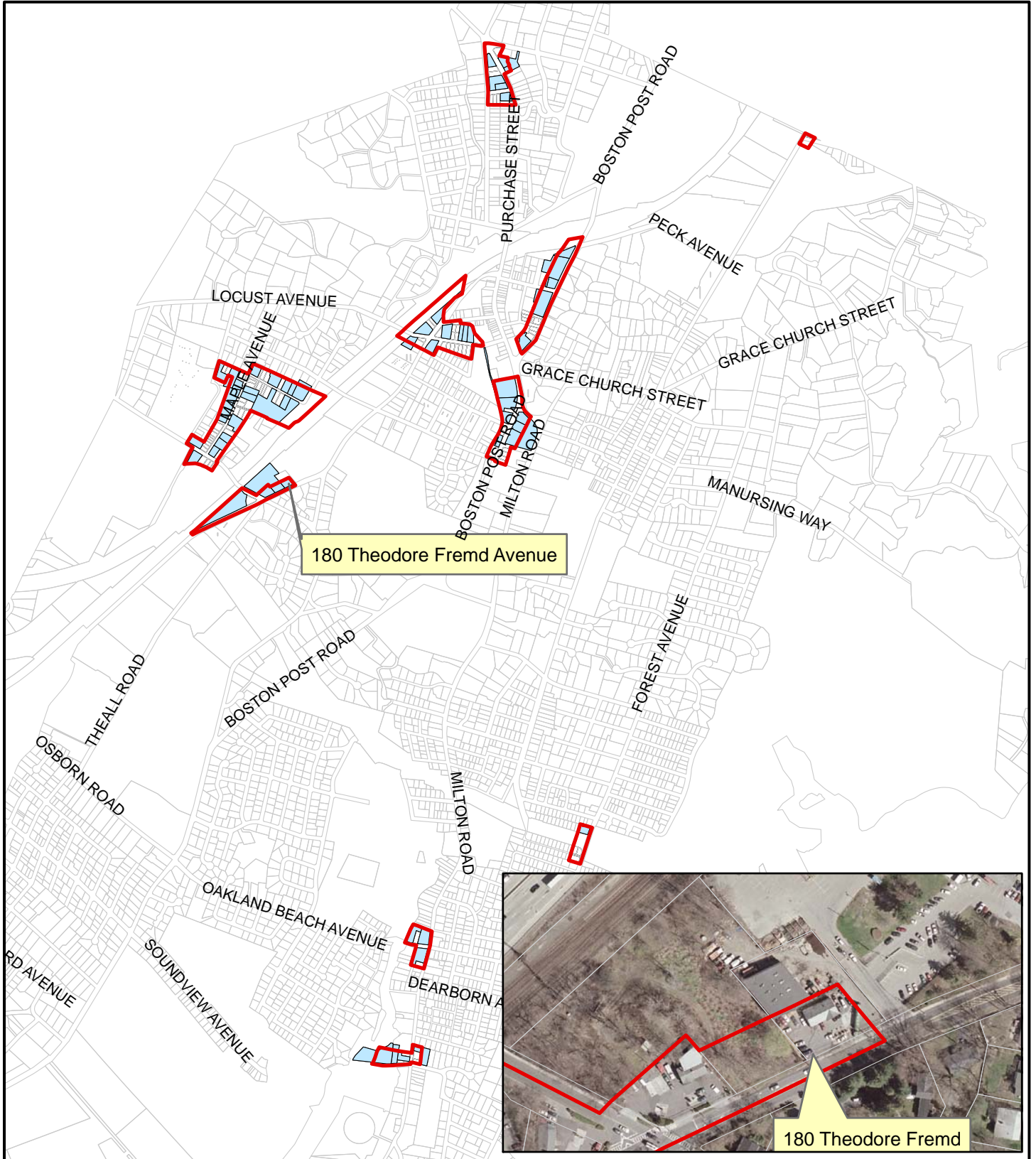
Page 2 of 2



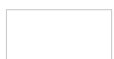
From a planning perspective, providing for day care in a community is a reasonable accommodation. In addition, the B-1 Neighborhood Business District is a reasonable location for such uses.

Zoning amendments generally cannot apply to specific properties for specific users since they can be considered illegal “spot” zoning. To minimize impacts on area properties the text amendment was crafted to establish minimum properties sizes and the maximum number of children. These additional standards were necessary because many of the City’s B-1 Districts are located in close proximity to residential areas.

Attached is a map of the B-1 Districts in the City, which was reviewed by the Planning Commission. The map also highlights all properties in excess of 10,000 square feet. Of the 162 properties in the B-1 District, approximately 61 would be eligible for a day care use under the proposed text amendment.

# B-1 Neighborhood Business District Properties



-  B-1 District Boundary
-  Property Size Greater Than 10,000 s.f.
-  Property Lines (approx.)



**McCULLOUGH, GOLDBERGER & STAUDT, LLP**

**ATTORNEYS AT LAW**

**1311 MAMARONECK AVENUE, SUITE 340**

**WHITE PLAINS, NEW YORK**

**10605**

**(914) 949-6400**

**FAX (914) 949-2510**

**FRANK S. McCULLOUGH (1905-1998)**  
**EVANS V. BREWSTER (1920-2005)**

**FRANK S. McCULLOUGH, JR.**  
**CHARLES A. GOLDBERGER**  
**JAMES STAUDT**  
**LINDA B. WHITEHEAD**  
**SETH M. MANDELBAUM**  
**EVAN M. EISLAND**

**MICHAEL V. CARUSO**  
**JOANNA C. FELDMAN**  
**DEBORAH A. GOLDBERGER**  
**EDMUND C. GRAINGER, III**  
**PATRICIA W. GURAHIAN**  
**ALICE D. KORNFELD**  
**RUTH F.-L. POST**

**March 4, 2010**

**Mayor French and Members  
of the City Council of the City of Rye  
City Hall, City of Rye  
1051 Boston Post Road  
Rye, New York 10580**

**Re: Petition for Zoning Amendment to the Text of the Zoning Code of the City of Rye  
- Child Care Uses in B-1 Districts  
Property: 180 Theodore Fremd Avenue, Rye, New York  
Sheet 146.10, Block 1, Lot 68**

**Dear Mayor French and Members of the City Council:**

This firm represents Management and Organization Support Services, LLC, doing business as Cornerstone Children's Center ("Cornerstone"), with respect to its proposal to redevelop 180 Theodore Fremd Avenue (the "Property") as a state-licensed child-care facility. The Property is owned by Ker-Bar Realty Corp. ("Ker-Bar").

Pursuant to New York General City Law § 83, we respectfully petition the City Council for text amendments to the City's Zoning Code as set forth in the enclosed Petition. The proposed amendments are requested to include "child-care facilities" as a use subject to additional standards and requirements in the B-1 District, a neighborhood business district, and to provide for off-street parking requirements for such use.

Neighborhood business districts such as the B-1 District are generally transitional areas between residential and commercial development and, by permitting a mixture of uses, are designed meet both housing needs and business opportunities. The availability of child-care services near and among residential areas and neighborhood businesses offers a level of convenience to those residents and business owners and employees, and allows for the care of their children to occur near where they live and/or work. Child-care services fit with and complement the permitted uses within the B-1 District such as banks, full-service restaurants and offices for clerical, administrative, professional and agency, and service uses.

Mayor and Members of the City Council

March 4, 2010

Page 2

We appeared before the Planning Commission to discuss the proposed use and the text amendment. The Planning Commission has indicated it is very supportive of the proposed use in the B-1 District. The commission agreed the use is both appropriate and necessary. The Planning Commission has or will be forwarding a letter to you indicating their support.

The proposed text amendment establishes a minimum lot size and minimum off-street parking requirements for child-care facilities. The parking requirement was developed based on a review of other municipalities' requirements for similar uses and through discussions with other child-care facilities to ensure the proposed requirements are both practical and reasonable and would provide adequate parking at all times. A summary of this review is attached as Exhibit 1. Other criteria and space requirements are set forth by the state licensing regulations governing child-care uses, with which all state-licensed facilities must comply. The Planning Commission reviewed the proposed parking requirements as well.

The Property where our client is proposing a child-care facility is an 11,527 square foot parcel located in the B-1 Zoning District and designated on the Rye City Tax Map as Sheet 146.10, Block 1, Lot 68. Cornerstone Children's Center (the "Center") will accommodate up to thirty children ages two years nine months to five years and provide quality early childcare and education programs for families. The majority of community child-care programs currently offered do not include a full day option, an option that Cornerstone has learned is in great demand, and will be provided at this site. The Center will be open from 7:00 a.m. to 6:00 p.m., Monday through Friday. The Property is ideal for use as a child-care facility, as it is near large businesses, centrally located off a major highway, and near public bus and train transportation. Additionally, it provides more than sufficient area for a fenced and screened outdoor play area as well as adequate off-street parking for staff and parents dropping off and picking up their children.

We ask that this matter be placed on your March 10, 2010, agenda for the purpose of scheduling a public hearing on the proposed text amendment. We look forward to reviewing this matter with you.

Respectfully submitted,  
McCullough, Goldberger & Staudt, LLP  
Attorneys for Management and Organization  
Support Services, LLC,  
d/b/a Cornerstone Children's Center

By:   
Linda B. Whitehead

Enclosures

cc: Marion Anderson

## EXHIBIT 1

### Other municipalities' requirements for off-street parking for uses similar to child-care facility:

#### Town/Village of Harrison:

- SB-0 Day-care center: "The greater of 1 for each employee of the SB-0 day-care center or 1 per employee required by the New York State licensing agency having jurisdiction over the operation of the SB-0 day-care center, plus a dropoff area and short-term parking spaces in combination sufficient to accommodate 1 vehicle per 7 children enrolled in the SB-0 day-care center." *Town/Village of Harrison Code § 235-37.*

#### City of New Rochelle:

- Nursery and day care: "In other than CPA: 1 per 4 children, plus 1 per employee. In CPA: 1 for every 2 employees." (NB: CPA is Central Parking Area District.) *City of New Rochelle Code § 332-126.*

#### Town of Greenburgh:

- Day-care center, nursery school: "1 for each staff member, plus 1 for each facility vehicle, plus 1 for each 5 facility children or clients." *Town of Greenburgh Code § 285-38(E).*

#### Village of Hastings-on-Hudson:

- School or day nursery (i.e., nursery school): "1 space for each employee, plus 1 space for each 12 pupils." *Village of Hastings-on-Hudson Code § 295-36(A).*

#### Town of Pound Ridge:

- Nursery school: "1 space for each teacher and staff member, plus 1 space for each 5 pupils." *Town of Pound Ridge Code § 113-74(A).*

#### Town of Bedford:

- Child day-care center; school-age child care; nursery school: "One space per three children enrolled and one handicapped space." *Town of Bedford Code § 125-75.1(F).*

EXHIBIT 1 (page 2)

Survey of off-street parking for other similar child care centers:

<u>Name of Facility</u>	<u>Max. Child Capacity; Ages; Enrollment</u>	<u>Total staff; Max. No. of staff on-site</u>	<u>Drop-off times; Pick-up times;</u>	<u>No. of parking spaces; Adequate?</u>
Bright Horizons Child Care Center Executive Blvd. Yonkers, NY	90 (current enrollment 62); 6 weeks – 5 years old; some part day enrollment	15 total; 10+ max. staff on-site	No set drop-off or pick- up times; drop-off usually between 7 a.m. and 9 a.m.; pick-up usually between 4 p.m. and 6 p.m.	10 for parents, unknown number for staff; deemed adequate by Director
Oak Lane Child Care Center 49 Memorial Drive Chappaqua, NY	51 children served; 18 mos. – 5 years old; no part day enrollment	17 total; staffing is staggered throughout day	Suggested drop-off between 7 a.m and 9 a.m., however, some drop off after 9 a.m.; pick-up between 4:30 p.m. and 6 p.m.	13 total spaces; deemed adequate by Director/Board member
Happy Harbor Child Care Center 95 Broadway Hastings-on- Hudson, NY	44 children; 3 mos. – 5 years old; no part day enrollment	19 total; staffing is staggered throughout day	No set drop-off or pick- up times; drop-off usually between 7:15 a.m. and 9 a.m.; pick-up usually between 4 p.m. and 5:45 p.m.	8 total spaces; deemed generally adequate by Director

CITY COUNCIL: CITY OF RYE

-----X

In the Matter of the Petition of:

Ker-Bar Realty Corp.

Petitioner

For a Zoning Amendment to the Text of  
The Code of the City of Rye, Ch. 197, Zoning

Property: 180 Theodore Fremd Avenue  
Rye, New York

-----X

TO THE CITY COUNCIL OF THE CITY OF RYE:

PETITIONER, Ker-Bar Realty Corp., owner of the 11,527 square foot parcel located at 180 Theodore Fremd Avenue known and designated on the Rye City Tax Map as Sheet 146.10, Block 1, Lot 68 (the "Property"), by its attorneys, McCullough, Goldberger & Staudt, LLP, hereby petitions the City Council of the City of Rye for amendments of the City of Rye Zoning Code as set forth on the attached Exhibit 1 pursuant to the New York General City Law § 83. The proposed text amendments are requested to include "child-care facilities" as a use subject to additional standards and requirements in the B-1 District and to provide for off-street parking requirements for such use.

1. Management and Organization Support Services, LLC, doing business as Cornerstone Children's Center ("Applicant"), is working with Petitioner to redevelop the Property from a gas station into an attractive, state-licensed child-care facility that, pursuant to Applicant's mission statement, "will provide quality early childcare and education programs for working and non-working families." The center will accommodate up to thirty children ages two years nine months to five years.
2. The B-1 District is a neighborhood business district. Neighborhood business districts are designed to "provide a mixture of residential, professional, retail and service uses that meet an array of housing needs and business opportunities."<sup>1</sup> The availability of

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<sup>1</sup> Neighborhood Business District Study, City of Rye, New York, prepared by Christian K. Miller, AICP, Rye City Planner and Neighborhood Business District Committee, January 2005, p. 1.

child-care services near and among residential areas and neighborhood businesses offers a level of convenience to those residents and business owners and employees, and allows for the care of their children to occur near where they live and/or work.

3. The B-1 District is an appropriate district for child-care facilities, as it permits banks, full-service restaurants and offices for clerical, administrative, professional and agency uses as well as service uses. Child-care services fit with and complement this mix of uses.
4. The location of the Property is ideal for use as a child-care facility, as it is near large businesses, centrally located off a major highway, and near public bus and train transportation.
5. The facility will serve up to thirty (30) children ages nine months to five years. The majority of community child-care programs currently offered do not include a full day option, an option that Petitioner has learned is in great demand, and will be provided at this site.
6. With this number and mix of children, the Property provides more than adequate area for a fenced and screened outdoor play area for the use of the children as well as adequate off-street parking for staff and parents dropping off and picking up their children.
7. The attached text amendment establishes a minimum lot size for the use and also provides minimum off-street parking requirements for child-care facilities. The parking requirement was developed based on a review of other municipalities' requirements for similar uses and through discussions with other child-care facilities to ensure the proposed requirements are both practical and reasonable and would provide adequate parking at all times. Other criteria and space requirements are set forth by the state licensing regulations governing child care uses. The facility will be licensed and must meet all of the licensing criteria.



WHEREFORE, Ker-Bar Realty Corp. respectfully requests that the City Council of the City of Rye amend the Zoning Code as set forth in Exhibit 1 attached.

Respectfully submitted,

McCullough, Goldberger & Staudt, LLP  
Attorneys for Ker-Bar Realty Corp. and  
Management and Organization Support Services, LLC,  
d/b/a Cornerstone Children's Center

By: 

Linda B. Whitehead

EXHIBIT 1

LOCAL LAW NO. \_\_\_\_\_ -2010

A LOCAL LAW TO AMEND CHAPTER 197 (ZONING) OF THE  
CODE OF THE CITY OF RYE, NEW YORK  
TO PERMIT CHILD-CARE FACILITIES  
AS PERMITTED USES IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT  
AND TO ESTABLISH REQUIRED OFF-STREET PARKING FOR SUCH USES

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 2, Uses Permitted Subject to Additional Standards and Requirements, B-1 Neighborhood Business Districts, of the Code of the City of Rye, New York, is hereby amended by adding thereto a new subsection (15) to read as follows:

- (15) Child-care facilities. Duly licensed child-care facilities for not to exceed 30 children and where lot size is at least 10,000 square feet, provided that sufficient outdoor play area is provided in compliance with applicable state and/or county regulations and adequately screened.

Section 2. Section 197-28(A), Schedule of parking requirements, is hereby amended by adding thereto the following:

Use	Number of Spaces per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Child-care facilities (enrollment)	1	1	1	Five enrolled children
Child-care facilities (staff)	1	1	1	Employee

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.



# CITY COUNCIL AGENDA

NO. 9      DEPT.: Finance      DATE: March 18, 2010  
 CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:**

Authorize Issuance of \$2,080,000 of previously authorized but unissued debt.

Authorize issuance of \$82,000 of previously authorized but unissued debt.

Authorize Issuance of additional debt of \$1,372,000.

**FOR THE MEETING OF:**

March 24, 2010  
**RYE CITY CODE,**  
 CHAPTER  
 SECTION

**RECOMMENDATION:** That the Mayor and the City Council authorize issuance of \$3,534,000 of borrowings.

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:**    City of Rye

**Authorized but Unissued Debt:**

Authorization Date	Purpose	Amount	
3/22/2006	Police Building Improvements	\$600,000	
3/22/2006	Fire Truck Ladder	630,000	
12/19/2006	Theall Road Reconstruction	700,000	
3/28/2007	Upper Dogwood Lane Sewer	<u>150,000</u>	(to be paid for by residents)
	<b>Sub-total</b>	<b>\$2,080,000</b>	(see attached documentation)
10/01/2008	Kirby Lane North Sewer	82,000	(to be paid for by residents – see attached)
	<b>Total Authorized but Unissued</b>	<b>\$2,162,000</b>	

**New Borrowings:**

Theodore Fremd Wall	\$280,000
Central Avenue Bridge	360,000
Bowman Avenue Sluice Gate	322,000
Old Milton Road Drainage	210,000
Peck & Midland Traffic Light	<u>200,000</u>
<b>New Authorizations</b>	<b>\$1,372,000</b>
<b>Total Borrowing</b>	<b><u>\$3,534,000</u></b>

## Agenda Item # 9

### Bonding Resolution

Documentation for issuance of  
additional debt totaling  
\$1,372,000

SQUIRE, SANDERS & DEMPSEY L.L.P.



30 Rockefeller Plaza  
New York, New York 10112  
Office: +1.212.872.9800  
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Direct Dial: +1.212.872.9862  
ltrialonas@ssd.com

March 23, 2010

**VIA EMAIL**

Ms. Jean Gribbins  
City Comptroller  
City of Rye  
2nd Floor City Hall  
1051 Boston Post Road  
Rye, NY 10580

**Re: City of Rye, New York (the "City")  
Authorizing Bond Resolutions Various Municipal Improvements-Total-  
\$1,372,000.**

Dear Jean:

Attached please find extracts of minutes of a meeting of the City Council of the City of Rye (the "City") containing a serial bond resolution authorizing the issuance of serial bonds to finance various public purposes in and for the City. Following adoption of the bond resolution by at least two-thirds (5 members) of the entire voting strength of the City Council of the City, please have the City Clerk complete the extract and the Clerk's Certificate and return a copy to my attention for our transcript file. The bond resolution with the enclosed estoppel notice must then be published in the City's official newspaper and, upon receipt thereof, please send to us the newspaper affidavit of publication of said bond resolution and estoppel notice.

Should you have any further questions, please do not hesitate to call me.

Very truly yours,

Lauren M. Trialonas

Cc: Ms. Dawn Nodarse  
Kenneth W. Bond, Esq.

**EXTRACTS FROM MINUTES OF MEETING OF THE CITY COUNCIL  
OF THE CITY OF RYE, COUNTY OF WESTCHESTER, NEW YORK**

*(\$1,372,000 – Various Improvements)*

A regular meeting of the City Council of the City of Rye (the “City”), located in the County of Westchester, State of New York, was held at City Hall, in Rye, New York, on \_\_\_\_\_, 2010 at \_\_\_ o’clock, P.M., Prevailing Time, at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following resolution and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_.

The City Council was polled. The motion was adopted by a vote of \_\_\_ affirmative votes (being at least five members (5) of the voting strength of the City Council) with \_\_\_\_\_ negative votes and votes absent.

**BOND RESOLUTION, DATED \_\_\_\_\_, 2010, AUTHORIZING THE ISSUANCE OF UP TO \$1,372,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE (I) ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, (II) THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF THE CENTRAL AVENUE BRIDGE AND (III) THE ACQUISITION OF TRAFFIC SIGNALS, ALL IN AND FOR THE CITY, PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the City Council of the City of Rye (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of road improvements (\$812,000), including but not limited to (a) the acquisition, construction and reconstruction of improvements to the Theodore Fremd retaining wall (\$280,000), (b) the acquisition, construction and reconstruction of the Bowman Avenue sluice gate (\$322,000) and (c) drainage improvements to Old Milton Road (\$210,000), (ii) the acquisition, construction and reconstruction of the Central Avenue Bridge (\$360,000), and (iii) the acquisition of traffic signals (\$200,000), in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$1,372,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,372,000, pursuant to the Local Finance Law, in order to finance

the costs of the specific objects or purposes, or classes of objects or purposes, as set forth herein (collectively, the “Project”).

Section 2. The respective estimated maximum costs of such specific objects or purposes, or class of objects or purposes, the principal amount of serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, or class of objects or purpose, and the period of probable usefulness of such specific objects or purposes, or class of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(i) The acquisition, construction and reconstruction of road improvements (\$812,000), including but not limited to (a) the acquisition, construction and reconstruction of improvements to the Theodore Fremd retaining wall (\$280,000), (b) the costs of the acquisition, construction and reconstruction of the Bowman Avenue sluice gate (\$322,000) and (c) drainage improvements to Old Milton Road (\$210,000) and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$3,600,000 for which \$812,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(ii) The acquisition, construction and reconstruction of the Central Avenue Bridge, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,800,000 for which \$360,000 principal amount of serial bonds, and/or bond anticipation notes



issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(iii) The acquisition of traffic signals, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$200,000 for which \$200,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 72(a) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

Section 3. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$5,810,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except proceeds of insurance and intergovernmental transfer; (c) the Common Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, funds previously expended referred to in clause (a) above, and anticipated Federal or State aid and intergovernmental transfer received by the City; (d) the maturity of the serial bonds authorized herein shall be in excess

of five (5) years and (e) on or before the expenditure of moneys to pay for any costs related to the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

Section 5. When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in \_\_\_\_\_, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond

anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by

Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of

such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice

provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is not subject to a permissive referendum or mandatory referendum in accordance with paragraphs C and D of Section C21-9 of the City Charter and will take effect immediately upon its due adoption by the City Council of the City.

I, **DAWN NODARSE**, City Clerk of the City of Rye (the “City”), located in the County of Westchester, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March \_\_, 2010, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City Council of the City, this \_\_ day of March, 2010.

(SEAL)

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**DAWN NODARSE**  
City Clerk  
City of Rye, New York

**CITY OF RYE**  
**COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, on March \_\_, 2010. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2010

/s/ Dawn Nodarse \_\_\_\_\_

**DAWN NODARSE**  
City Clerk  
City of Rye, New York



## Agenda Item # 9

### Bonding Resolution

Documentation for previously  
authorized but unissued debt of  
\$2,080,000

**APPROVED MINUTES** of the Special Meeting of the City Council of the City of Rye held in City Hall on December 19, 2006 at 7:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
ANDREW C. BALL  
MACK CUNNINGHAM  
MATTHEW FAHEY  
DUNCAN HENNES  
GEORGE S. PRATT  
HOWARD G. SEITZ  
Councilmen

ABSENT: None

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. Resolution authorizing the issuance of up to \$700,000 aggregate principal amount serial bonds to finance the costs of construction and reconstruction of highways and roads in and for the City, pursuant to the local finance law.

City Manager Paul Shew informed the Council that passage of the resolution authorizing \$700,000 to finance the costs of construction and reconstruction of highways and roads needs to be authorized by at least five members of the City Council so the four votes received at the last regular meeting of the City Council was not sufficient. Councilman Seitz had some objections about the generalized language of the bond saying he would like to see Theall Road mentioned specifically. The language in the bond resolution has been reviewed and approved by Bond Counsel and by Corporation Counsel and Mr. Shew confirmed that general language is typical. He said the Theall Road project would be bid specifically and the Council would have an opportunity during the bid review to determine how best to proceed. He also mentioned that a permissive bond referendum requires a waiting period of 45 days during which comments can be received. After the 45 days an additional posting of the bond must be made so the total time which must pass before the bond can be considered accepted is approximately 55 days. The City does not bid projects that do not have funding so passage at this meeting would allow time for a March award (late winter and early spring generally being the best time to bid projects for

optimal results while contractors plan their construction schedule). Councilmen Hennes and Fahey said they would vote against the resolution for the reasons stated in the last regular meeting of the City Council on December 13, 2006.

Mayor Otis made a motion, seconded by Councilman Ball, to adopt the following resolution:

**BOND RESOLUTION, DATED DECEMBER 19, 2006, AUTHORIZING THE ISSUANCE OF UP TO \$700,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE CONSTRUCTION AND RECONSTRUCTION OF HIGHWAYS AND ROADS IN AND FOR THE CITY, PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction and reconstruction of highways and roads in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$700,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$700,000, pursuant to the Local Finance Law, in order to finance the costs of the construction and reconstruction of highways and roads in and for the City (the "Project").

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$700,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of the fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations,

the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

**Section 8.** Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** This bond resolution is subject to a permissive referendum in accordance with paragraph B of Section C21-9 of the City Charter and will take effect upon its adoption by the City Council of the City and the expiration of the period prescribed in the City Charter during which petitions for a permissive referendum may be submitted and filed with the City Clerk.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham, Pratt and Seitz  
**NAYS:** Councilmen Fahey and Hennes  
**ABSENT:** None

The resolution was adopted by a vote of 5-2.

4. **Adjournment**

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 7:45 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk

8. Consideration of recertification for special use permit for wireless telecommunications facility at 178 Theodore Fremd Avenue

This agenda item was deferred to a future meeting.

9. Consideration of Home Rule Messages for S5387A and A8015-B to amend the tax law, in relation to the imposition of an occupancy tax in the City of Rye

Mayor Otis reported that the Council needs to file new Home Rule Messages for S5387A and A8015-B to amend the tax law in relation to the imposition of an occupancy tax in the City of Rye. He said everything is exactly the same as when the last messages were filed, but the forms had to be filled out again in recognition of the new legislative session. Hopefully it will pass this year, but there is nothing else the City can do to move it along any faster.

Councilman Pratt made a motion, seconded by Councilman Hennes and unanimously carried, to re-adopt a Home Rule Message.

10. Resolution authorizing bonding for reconstruction of City-owned buildings

City Manager Paul Shew said the proposed resolution authorizing bonding for reconstruction of City-owned buildings will provide funds for immediate and essential repairs to the existing police facility. These repairs will bring the building up to acceptable safety codes and will provide the necessary capability for the building to be used as an emergency command center, but it will provide only the bare basics necessary to keep the building in working order. It will provide no new space. City Comptroller Michael Genito said the Council can adopt this resolution subject to permissive referendum (acceptable only if less than 10% of the public petition against the expenditure within 45 days).

Councilman Pratt made a motion, seconded by Councilman Fahey, to adopt the following resolution:

**A BOND RESOLUTION, DATED MARCH 22, 2006, AUTHORIZING THE  
ISSUANCE OF UP TO \$600,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER,  
STATE OF NEW YORK, TO FINANCE THE COSTS OF THE  
RECONSTRUCTION OF VARIOUS CITY-OWNED BUILDINGS,  
PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of various City-owned buildings, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a



total estimated cost not to exceed \$600,000, in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$600,000, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of various City-owned buildings (the "Project").

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$600,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and (d) the maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years (such buildings being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). The serial bonds authorized herein shall have a maximum maturity of the twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, and or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

**Section 8.** Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** This bond resolution is subject to a permissive referendum in accordance with paragraph B of Section C21-9 of the City Charter and will take effect upon its adoption by the City Council of the City and the expiration of the period prescribed in the City Charter during which petitions for a permissive referendum may be submitted and filed with the City Clerk.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,  
Pratt and Seitz

**NAYS:** None

**ABSENT:** None

**11. Resolution authorizing bonding for the reconstruction of City streets and roads**

The Council considered the resolution authorizing bonding for the reconstruction of City streets and roads, specifically the improvements to the intersection of Peck and Midland Avenues and the repaving of the Boston Post Road from the Rye Golf Club to the Mamaroneck border. Although both areas are gateways to the City, there was concern about making the Peck Avenue improvements prior to the reconstruction of I-95 (the "Last Mile" project) and concern about the need to pave this area of the Boston Post Road at this time. The Council agreed to defer consideration of this resolution.

**11A. Resolution to authorize bonding for fire-fighting vehicles**

City Manager Shew said the City was fortunate to enjoy an excellent Fire Department with two locations and it is important that each location have the proper fire fighting equipment. He pointed out that the bond to purchase a new ladder truck could be authorized within the public safety exemption as provided in the City's Charter. There were questions from the Council concerning the need for this new vehicle and what was included in the specifications. Peter Donahue, Assistant Fire Chief, advocated for the purchase of the truck citing the age of the old one (part of which was purchased during the Eisenhower administration); the safety advantages of having a new one; the ability to provide mutual aid to neighboring communities; and the need to have it for training purposes. He said the price quoted provided all the necessary accoutrements. He stated that with this purchase, and the completion of the Locust Avenue Fire House, additional major capital needs for the Fire Department would not be necessary for a decade.

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the following resolution:

**BOND RESOLUTION, DATED MARCH 22, 2006 AUTHORIZING THE  
ISSUANCE OF \$630,000 AGGREGATE PRINCIPAL AMOUNT SERIAL  
BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE  
OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO  
FINANCE THE COST OF THE ACQUISITION OF FIRE-FIGHTING  
VEHICLES AND APPARATUS FOR THE CITY.**

WHEREAS, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the cost of the acquisition of fire-fighting vehicles and apparatus, including any preliminary and incidental costs related thereto, at a cost not to exceed \$630,000; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW  
YORK** as follows:

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$630,000, pursuant to the Local Finance Law, in order to finance the cost of the acquisition of fire-fighting vehicles and apparatus for the City, including any preliminary and incidental costs related thereto (the "Project").

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$630,000; (b) no money has heretofore been authorized to be applied to the payment of the cost of the Project; (c) the City Council of the City plans to finance the cost of the Project from the proceeds of the serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds; and (d) the maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of the twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature, on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is

hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in *The Journal News*, a newspaper having a general circulation in the City and, as a result, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein and any bond anticipation notes issued in anticipation of the issuance of such serial bonds may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City.

The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

**Section 8.** Prior to the issuance of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal

advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** The City Council of the City hereby determines the financing of the Project to be required for public safety purposes requiring urgent action as set forth in Paragraph E of Section C21-9 of the City Charter and the amount of outstanding obligations issued for public safety purposes requiring urgent action, including the obligations as authorized herein, does not exceed \$2,500,000. Accordingly, this bond resolution shall take effect immediately upon its adoption by the City Council of the City.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,  
Pratt and Seitz

**NAYS:** None

**ABSENT:** None

12. Appointments to the Rye Senior Advocacy Committee; two appointments for terms expiring January 1, 2007; two appointments for terms expiring on January 1, 2008 and three appointments for terms expiring January 1, 2009; by Mayor with Council approval

Mayor Otis made a motion, unanimously approved, to appoint Esther Martensen and re-appoint Kathleen Lonergan for one-year terms expiring January 1, 2007; to re-appoint Ellen D'Angelo and Josephone DelMonte for two-year terms expiring January 1, 2008; and to appoint Marge Leffler and re-appoint Marian Shea and Julia Schwartz-Leeper for three-year terms expiring January 2009 to the Rye Senior Advocacy Committee.

13. Designation of Chair of Rye Senior Advocacy Committee by the Mayor

Mayor Otis reappointed Marian Shea as Chair of the Rye Senior Advocacy Committee.

14. Authorization to extend current agreement between the City and Friends of Rye Nature Center for 90 days.

City Manager Shew said a temporary committee has been evaluating the financial, operating and capital needs of the current Operating Agreement between the City and Friends of Rye Nature Center. He said the Committee is making good progress, but in order to present a complete analysis and recommendation, it has requested that the current agreement be extended for an additional 90 days. He also introduced *Russ Johnson, the new Executive Director of the Rye Nature Center* who was recommended for the position by former director Tracy Kay. Mr. Johnson said he was honored to be working at the Nature Center, an urban wilderness treasure. Councilman Cunningham said there was good coordination between the Committee, the Conservation Commission/Advisory Committee and Russ and he is looking forward to the report.



WHEREAS, the City of Rye received \$4,177 in State Aid for the Rye Youth Council in October, 2006; and

WHEREAS, the Rye Youth Council did not voucher the City of Rye in 2006 for those funds; and

WHEREAS, said funds were recorded as revenues that ultimately increased the undesignated General Fund fund balance at December 31, 2006; and

WHEREAS, the Rye Youth Council has now requested said funds; now, therefore, be it

RESOLVED, that the 2007 General Fund budget be amended, increasing appropriations for Rye Youth Council and appropriating fund balance in the amount of \$4,177.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes, Pratt and Seitz

NAYS: None

ABSENT: None

14. Resolution authorizing the issuance of up to \$150,000 aggregate principal amount serial bonds to finance the costs of the acquisition, construction and reconstruction of or additions to the sewer system of the City

City Manager Shew said the issuance of \$150,000 aggregate principal amount serial bonds will be used to finance the Upper Dogwood Lane Sewer District improvements and will be paid for by the residents involved with no cost to the City.

Councilman Pratt made a motion, seconded by Councilman Hennes, to adopt the following resolution:

**BOND RESOLUTION, DATED MARCH 28, 2007, AUTHORIZING THE  
ISSUANCE OF UP TO \$150,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER,  
STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW,  
TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION  
AND RECONSTRUCTION OF OR ADDITIONS TO THE SEWER  
SYSTEM OF THE CITY.**

WHEREAS, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction and reconstruction of or additions to the sewer

system of the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$150,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYE, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, AS FOLLOWS:**

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$150,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of and additions to the sewer system of the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (collectively, the "Project").

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$150,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of the thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute, by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is

hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City. The validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and/or of any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

**Section 8.** Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** This bond resolution is not subject to a permissive referendum in accordance with paragraph D of Section C21-9 of the City Charter and will take effect upon its adoption by the City Council of the City.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,  
Pratt and Seitz

**NAYS:** None

**ABSENT:** None

15. Resolution to appropriate Cable TV Fund fund balance for the purchase of extended maintenance agreement

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the following resolution:

**WHEREAS**, the Rye Cable Television (RCTV) operations is in receipt of a proposal in the amount of approximately \$6,800 for a multi-year maintenance agreement on RCTV equipment; and

**WHEREAS**, the RCTV Coordinator recommends that the City of Rye enter into said agreement, based on the facts that the multi-year agreement will provide operational efficiencies and cost savings; and

**WHEREAS**, the adoption of the 2007 Cable TV Fund budget did not provide for the purchase of said agreement; and

**WHEREAS**, there are sufficient funds in the fund balance of the Cable TV Fund; now, therefore, be it

**RESOLVED**, that the 2007 Cable TV Fund budget be amended by increasing appropriations for miscellaneous service contracts and appropriating fund balance in the amount of \$6,800.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,  
Pratt and Seitz

**NAYS:** None

**ABSENT:** None

16. Adoption of 2007 County property tax rates

Councilman Fahey made a motion, seconded by Councilman Cunningham, to adopt the following resolution:

## Agenda Item # 9

### Bonding Resolution

Documentation for the  
Kirby Lane North Sewer bonding  
to be paid for by residents totaling  
\$82,000

(represents the amount not  
covered by EFC financing)



## CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

(914) 967-7371

At a regular meeting of the Council of the City of Rye held October 1, 2008, Council Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the following resolution:

**PRESENT:**

STEVEN OTIS, Mayor  
ANDREW C. BALL  
MACK CUNNINGHAM  
PAULA J. GAMACHE  
CATHERINE F. PARKER  
GEORGE S. PRATT  
JOSEPH A. SACK

**BOND RESOLUTION, DATED OCTOBER 1, 2008, AUTHORIZING THE ISSUANCE OF UP TO \$200,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS IN AND FOR THE CITY, PURSUANT TO THE LOCAL FINANCE LAW.**

**WHEREAS**, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the construction of sanitary sewers, in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$200,000, all in accordance with the Local Finance Law;

**WHEREAS**, on January 22, 2003 the City Council of the City adopted a serial bond resolution, (the "January 2003 Resolution"), to finance the costs of the construction of sanitary sewers in and for the City (the "Project") in the amount of \$1,220,500 and;

**WHEREAS**, on April 30, 2003, the City Council adopted a serial bond resolution (the "April 2003 Resolution") to finance additional costs of the Project in the amount of \$579,500; and

**WHEREAS**, on March 9, 2005, the City Council of the City adopted a serial bond resolution (the "March 2005 Resolution) to finance additional costs of the Project in the amount of \$200,000; and

**WHEREAS**, on February 28, 2007 the City Council of the City adopted a serial bond resolution (the "February 2007 Resolution"; and together with the January 2003 Resolution, the April 2003 Resolution and the March 2005 Resolution, "the Prior Resolutions") to finance additional costs of the Project in the amount of \$700,000; and

**WHEREAS**, the City Council of the City now hereby determines that the costs of the Project have increased by \$200,000 to a total amount of \$2,900,000.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$200,000, pursuant to the Local Finance Law, in order to finance the costs of the construction of sanitary sewers in and

for the City, including the acquisition of any equipment, applicable machinery, apparatus, land and rights-in-land necessary thereof and any preliminary and incidental costs related thereto.

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum additional costs of the Project will not exceed \$200,000; (b) The estimated maximum cost of the Project is \$2,900,000; (c) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except as authorized in the Prior Resolutions and no obligations have been issued thereunder except for the City's \$2,000,000 Bond Anticipation Note, Series 2007A, dated April 12, 2007 and renewal thereof dated April 10, 2008; (d) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds as authorized by the Prior Resolutions and as authorized herein; and (e) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.



**Section 8.** Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** The City Council of the City hereby determines the obligations authorized herein shall be sold to the New York State Environmental Facilities Corporation, a public benefit corporation of the State of New York, under Paragraph D of Section C21-9 of the City Charter. Accordingly, this bond resolution shall take effect immediately upon its adoption by the City Council of the City.

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )  
CITY OF RYE )

**THIS IS TO CERTIFY** that I have compared the foregoing resolution with the original thereof, duly passed and adopted at a regular meeting of the Council of the City of Rye held on the 1st day of October, 2008 by the affirmative vote of at least a majority of all members of said Council then in office, present and voting thereon, the vote upon passage thereof having been taken by recording the ayes and nays and duly entered in the minutes of said meeting of said Council and on file in this office, and **I DO HEREBY CERTIFY** said resolution to be a correct transcript thereof and of the whole of such original.

**IN TESTIMONY WHEREOF,** I have hereunto subscribed my name and affixed the official seal of the City of Rye this 2nd day of October, 2008.

*Diane C. Moore*  
**DIANE C. MOORE**  
**DEPUTY CITY CLERK**

SEAL

# AFFIDAVIT OF PUBLICATION

from

## The Journal News

Florence Bonilla

\_\_\_\_\_ being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

**Note:** the code to the left of the run dates indicates the zone(s) that the ad was published.  
(See legend below)

**Zone            Dates**

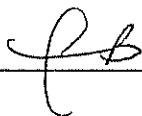
AC            10/7/2008

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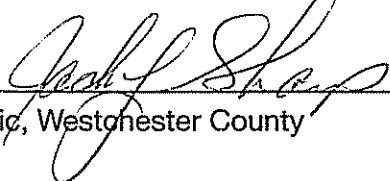
Signed \_\_\_\_\_



Sworn to before me

This 15<sup>th</sup> day of October 20 08

\_\_\_\_\_  
Notary Public, Westchester County



**JACK L. SHARP**  
Notary Public, State of New York  
No. 01SH6019087  
Qualified in Rockland County  
Term Expires Feb. 1, 2011

### Legend:

#### Northern Area (AN):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

#### Central Area (AC):

Ardley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains

262 3343

#### Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

#### Greater Westchester (GW):

Includes Northern area, Southern area and Central area. (See details below each area)

#### Rockland Area (JN or RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

#### Review Press (BVW):

Bronxville, Eastchester, Scarsdale, Tuckahoe

#### Putnam Express (XPU)

Baldwin Place, Brewster, Carmel, Mahopac, Putnam Valley, Patterson

#### Sound Shore Express (XSS)

Purchase, Port Chester, Rye, Harrison, Mamaroneck, Larchmont, New Rochelle, Pelham

#### White Plains Express (XWP)

Elmsford, Hawthorne, Valhalla, White Plains

#### Yorktown and Cortlandt Express (XYC)

Buchanan, Cortlandt Manor, Crompond, Croton-on-Hudson, Crugers, Jefferson Valley, Lincolndale, Mohgan Lake, Montrose, Ossining, Peekskill, Shenorock, Shrub Oak, Verplank, Yorktown Heights

#### Northern Westchester Express (XNW)

Armonk, Bedford, Bedford Hills, Chappaqua, Katonah, Mount Kisco, Pleasantville, Thornwood

**CITY OF RYE  
ESTOPPEL NOTICE**  
The bond resolution published herewith was adopted by the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, on October 1, 2008. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

**CITY OF RYE  
PUBLIC NOTICE**  
**BOND RESOLUTION, DATED OCTOBER 1, 2008, AUTHORIZING THE ISSUANCE OF UP TO \$200,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS IN AND FOR THE CITY, PURSUANT TO THE LOCAL FINANCE LAW.**

WHEREAS, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the construction of sanitary sewers, in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$200,000, all in accordance with the Local Finance Law;

WHEREAS, on January 22, 2003 the City Council of the City adopted a serial bond resolution (the "January 2003 Resolution") to finance the costs of the construction of sanitary sewers in and for the City (the "Project") in the amount of \$1,250,500; and

WHEREAS, on April 30, 2003, the City Council adopted a serial bond resolution (the "April 2003 Resolution") to finance additional costs of the Project in the amount of \$379,500; and

WHEREAS, on March 9, 2005, the City Council of the City adopted a serial bond resolution (the "March 2005 Resolution") to finance additional costs of the Project in the amount of \$200,000; and

WHEREAS, on February 28, 2007 the City Council of the City adopted a serial bond resolution (the "February 2007 Resolution"); and together with the April 2003 Resolution and the March 2005 Resolution, the total amount of the Project in the amount of \$700,000; and

WHEREAS, the City Council of the City now hereby determines that the costs of the Project have increased by \$200,000 to a total amount of \$900,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate

principal amount not to exceed \$200,000, pursuant to the Local Finance Law in order to finance the costs of the construction of sanitary sewers in and for the City, including the acquisition of any equipment, applicable machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum additional costs of the Project will not exceed \$200,000; (b) The estimated maximum cost of the Project is \$200,000; (c) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except as authorized in the Prior Resolutions and no obligations have been issued thereunder except for the City's \$2,000,000 Bond Anticipation Note, Series 2007A, dated April 12, 2007 and renewed thereto dated April 10, 2008; (d) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds as authorized by the Prior Resolutions and as authorized herein; and (e) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.02 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprianted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

Section 5. When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal and interest on all obligations authorized herein as the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1936, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 143 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 143 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized in and for the Project as set forth herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under Rule 15c-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, if such information and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and to thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not in consistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendment thereto. The agreement formed collectively by this paragraph and the Commitment shall be

collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1936, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 143 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 143 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized in and for the Project as set forth herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under Rule 15c-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, if such information and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and to thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not in consistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendment thereto. The agreement formed collectively by this paragraph and the Commitment shall be

the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. The City Council of the City hereby determines the obligations authorized herein shall be sold to the New York State Environmental Facilities Corporation, a public benefit corporation of the State of New York, under Paragraph D of Section 21.09 of the City Charter. Accordingly, this bond resolution shall take effect immediately upon its adoption by the City Council of the City.  
Dawn Nafans  
City Clerk  
Dated: October 7, 2008

Activate America Program and asks communities to adopt projects that promote healthier lifestyles.

Councilman Pratt suggested the City take even more positive action and put a moratorium on all Belgian block curbing. City Planner Christian Miller said he had prepared a memorandum which outlines the issues and reiterates the City's policy denying barriers in the City right-of-way (usually 5-15 feet), including the stones all along Stuyvesant Avenue. He suggested that the City will need to be flexible as it is not good to have a law banning curbs (all communities have some kind of curbs). The Council endorsed enforcement of the existing code relating to City rights-of-way, suggesting it is perhaps time to make it more stringent and the matter should be discussed further as a separate agenda issue.

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the Trailways Study Group project be considered as part of Rye's participation in the County Executive's "Mayor and Supervisors Challenge for a Healthy Community."

8. Resolution to increase bond authorization for Kirby Lane North Sewer Project

City Manager Paul Shew said there had been additional expenses added to the cost of the Kirby Lane North Sewer Project and the Council needed to give its approval to increase the bonding amount by an additional \$700,000. There have been some extra costs incurred over the course of the project, but in addition the residents have requested some add-ons to the project, such as water and gas lines. The City will be absorbing \$300,000 for the sewer pump station owned by the City and the street will be repaved as part of the City's on-going pavement plan, but otherwise costs will be absorbed by the residents of the area. Comptroller Michael Genito confirmed that the residents have been informed of increased costs and have all agreed to the increased so it is not necessary to obtain more signatures. The extra bonding will lead to increased EFC funding.

Councilman Fahey made a motion, seconded by Councilman Pratt, to adopt the following resolution:

**BOND RESOLUTION, DATED FEBRUARY 28, 2007 AUTHORIZING THE  
ISSUANCE OF \$700,000 AGGREGATE PRINCIPAL AMOUNT SERIAL  
BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF  
NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE  
ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS  
IN AND FOR THE CITY.**

**WHEREAS**, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester,

hereby determines that it is in the public interest of the City to authorize the financing of additional costs of the construction of sanitary sewers in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated additional cost not to exceed \$700,000; and

**WHEREAS**, on January 22, 2003 (the “January 2003 Resolution”), the City Council of the City adopted a serial bond resolution to finance the costs of the construction of sanitary sewers in and for the City (the “Project”) in the amount of \$1,220,500 and;

**WHEREAS**, on April 30, 2003, the City Council of the City adopted a serial bond resolution (the “April 2003 Resolution”) to finance additional costs of the Project in the amount of \$579,500; and

**WHEREAS**, on March 9, 2005, the City Council of the City adopted a serial bond resolution (the “March 2005 Resolution”; and together with the January 2003 Resolution and the April 2003 Resolution, the “Prior Resolutions”) to finance additional costs of the Project in the amount of \$200,000; and

**WHEREAS**, the City Council of the City now hereby determines that the costs of financing the Project have increased by \$700,000 to a total amount of \$2,700,000;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK** as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$700,000, pursuant to the Local Finance Law, in order to finance additional costs of the Project, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum additional costs of the Project will not exceed \$700,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except as authorized in the Prior Resolutions, and no obligations have been issued thereunder; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized by the Prior Resolutions and as authorized herein; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any additional

costs made in connection with the Project for which proceeds of the obligations authorized herein are to be applied to reimburse the City, the City Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project, at an estimated maximum cost of \$2,700,000, for which an additional \$700,000 principal amount of serial bonds and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years and such serial bonds shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all such serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

Section 5. When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in *The Journal News*, a newspaper having a general circulation in the City. The validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of

the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the additional costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the obligations may be applied to reimburse any additional expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby and has been determined by the City Council of the City that the Project will not have significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. The City Council of the City hereby determines the obligations authorized herein shall be sold to the New York State Environmental Facilities Corporation, a public benefit corporation of the State of New York, under Paragraph D of Section C21-9 of the City Charter. Accordingly, this bond resolution shall take effect immediately upon its adoption by the City Council of the City.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,  
Pratt and Seitz

NAYS: None

ABSENT: None



The overall response rate was 30%. Of the groups surveyed, the highest rate of return was from school employees (52%). Of the senior citizens who responded, 91% were satisfied; of the 10% not satisfied, most were either not eligible or had unrealistic expectations. The greatest demand for affordable housing is from City employees, then volunteer firefighters, then public and private school employees. The full survey is on file in the City Clerk's Office.

Mr. McGunagle said the questions of how to meet the need for affordable housing in the City of Rye cannot and should not be answered at this meeting but he asked the Council to take action on the following recommendations from the CHR, based on the results of the survey:

- 1) Charge the Planning Commission to specifically address the needs of City employees, volunteer firefighters and public and private school employees.
- 2) Pass a resolution reiterating the City of Rye's unequivocal interest in the Theodore Fremd site that could accommodate 24 affordable housing units, urging the County to develop a complete and quick remediation plan.
- 3) Charge the City Manager to urge the State Department of Environmental Conservation (DEC) to move meaningfully on the decontamination of the Theodore Fremd site.

Mayor Otis thanked Mr. McGunagle for his presentation and thanked all those, including CHR member Peter Larr as well as Sally Wright, Joe Murphy and Councilwoman Larr for their help in compiling the survey. He mentioned there is a limitation on what the City can do given the pressure of taxes and the rising costs of houses and land in the City. He asked what other communities do who have a high price placed on limited amount of land. Mr. McGunagle said other than new units the City should consider other land use options/devises such as accessory apartments, creative adaptive reuse of commercial buildings, density bonuses and zoning incentives. The Mayor said the County has been told Rye wants the land for affordable housing and has opposed a number of commercial developments proposed over the years. He noted affordable housing is a countywide problem. Councilman Cypher said he hoped some consideration would be given to public servants who might exceed the County income level, but whose families have a long history of service.

Councilwoman Larr made a motion, seconded by Councilman Seitz and unanimously carried to ask the staff to prepare a resolution based on the three recommendations from the Rye Commission on Human Rights for consideration at the March 30, 2005 meeting.

5. Resolution to authorize additional EFC debt for sewer projects

City Manager Shew said the Comptroller was requesting that the amount to be bonded for the Kirby Lane North sewer project be raised by an additional \$200,000, which would be repaid by the beneficiaries of the sewer project. He said the City would only borrow the exact amount necessary, based on firm bids, but it was important to have an adequate figure in the resolution.

Should any resident of Kirby Lane North elect to pre-pay the assessment, the amount to be borrowed would be adjusted downward.

Councilwoman Larr made a motion, seconded by Councilman Seitz, to adopt the following resolution:

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS LOCATED THROUGHOUT AND IN AND FOR SAID CITY.**

**WHEREAS**, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, by bond resolution dated January 22, 2003, the City Council of the City of Rye, Westchester County, New York, authorized the issuance of \$1,220,500 serial bonds of said City to pay the cost of the construction of sanitary sewers located throughout and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, and

**WHEREAS**, by bond resolution dated April 30, 2003, the City Council of the City of Rye, Westchester County, New York, authorized the issuance of \$579,500 serial bonds of said City to finance additional costs of said class of objects or purposes, and

**WHEREAS**, it is now desired to authorize the issuance of \$200,000 serial bonds of said City to finance additional costs of said class of objects or purposes; now, therefore, be it

**RESOLVED**, by the City Council of the City of Rye, Westchester County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying additional costs of the construction of sanitary sewers located throughout and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, there are hereby authorized to be issued an additional \$200,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,000,000 and that the plan for the financing thereof is as follows:

- (a) by the issuance of the \$1,220,500 serial bonds of said City authorized to be issued pursuant to bond resolution dated January 22, 2003; and

(b) by the issuance of the \$579,500 serial bonds of said City authorized to be issued pursuant to bond resolution dated April 30, 2003; and

(c) by the issuance of the additional \$200,000 serial bonds of said City authorized to be issued pursuant to this bond resolution;

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

**Section 5.** The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; including but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the

City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

**Section 9.** The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

**Section 10.** The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 11.** The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

**Section 12.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 13.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 14.** This resolution shall be published in full in the Journal News, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 15.** This resolution shall take effect immediately in accordance with paragraph D of Section C21-9 of the City of Rye Charter.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cypher, Fahey, Hennes, Larr and Seitz  
NAYS: None  
ABSENT: Councilman Chu

The resolution passed by a vote of 6-0.

6. Resolution to authorize acceptance of donations by the City Comptroller

This agenda item was deferred in deference to a comment from Councilman Seitz suggesting that the resolution be amended to insure that no donation be accepted automatically if it might be used for an inappropriate purpose. The City Comptroller will review the resolution and resubmit it to the Council.

7. Authorization to fill vacancy in Police Department

City Manager Shew requested that the hiring freeze be lifted so that the Police Department can fill a position for a police officer made available because Officer McCabe retired on disability. He said the replacement would likely be at a more junior level and therefore at a lower salary. The Council noted Officer McCabe was well known and respected in the community and had served it well.

Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to lift the hiring freeze to fill the vacant position in the Police Department.

8. Miscellaneous communications and reports

The City Manager and the Mayor reported that the NYCOM Legislative Meeting had been interesting, especially as related to volunteer firefighter services. The City Manager said he would send this particular information out to the Council.

Councilman Fahey reported on his first Rye Town Park Commission meeting saying he was awaiting a report from Chris Cohen on the finances of the Duck Pond project. Councilman Hennes said he was awaiting 1099's from the Friends of Rye Town Park. Councilman Seitz said he had no concern about Rye's election to subsidize the park, but expressed interest in getting more data concerning the use of the park by non-residents (i.e. people from Larchmont, Mamaroneck, etc.) and agreed with Councilman Fahey that more information is necessary so informed suggestions and decisions can be made. Councilman Hennes suggested the

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings  
Larr, and McKean

NAYS: None

ABSENT: None

15. Authorization for the Interim City Manager to enter into an agreement with MMA Consulting Group, Inc. to prepare a Strategic Plan, Service Delivery and Management Study of the Rye Fire Department

Interim City Manager Frank Culross reported that the Selection Committee, consisting of himself, Fire Warden Peter Donahue, and Career Firefighter Kurt Tietjen, had met twice; had checked all references of both MMA Consulting Group (\$32,400) and Carroll Buracker and Associates (\$49,650); and were unanimous in their recommendation of MMA Consulting. They will begin in mid-May and have the report submitted in about 12 weeks.

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the Interim City Manager be authorized to enter into an agreement with MMA Consulting Group, Inc., to prepare a Strategic Plan, Service Delivery and Management Study of the Rye Fire Department.

16. A resolution authorizing the issuance of \$579,500 serial bonds of the City of Rye, Westchester County, New York, to pay additional costs of the construction of sanitary sewers located throughout and in and for said city

Mayor Otis reported that a resolution authorizing the issuance of additional serial bonds was necessary because of the proposed expansion of the Kirby Lane and Kirby Lane North sewer project. In order to secure Environmental Finance Corporation (EFC) funds, the City needs to have financing in place even though these bonds will be repaid by special assessment to those participating in the project.

Councilman McKean made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$579,500 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS LOCATED THROUGHOUT AND IN AND FOR SAID CITY.**

**WHEREAS**, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, by bond resolution dated January 22, 2003, the City Council of the City of Rye, Westchester County, New York, authorized the issuance of \$1,220,500 serial bonds of said City to pay the cost of the construction of sanitary sewers located through out and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, and

**WHEREAS**, it is now desired to authorize the issuance of \$579,500 serial bonds of said City to finance additional costs of said class of objects or purposes; now, therefore be it

**RESOLVED**, by the City Council of the City of Rye, Westchester County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying additional costs of the construction of sanitary sewers located through out and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, there are hereby authorized to be issued an additional \$579,500 serial bonds of said City pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$1,800,000 and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$1,220,500 serial bonds of said City authorized to be issued pursuant to bond resolution dated January 22, 2003; and

(b) by the issuance of the additional \$579,500 serial bonds of said City authorized to be issued pursuant to this bond resolution;

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as

may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

**Section 5.** The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; including but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.



**Section 9.** The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

**Section 10.** The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the new York State Department of Environmental Conservation and/or the New York State environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 11.** The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

**Section 12.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 13.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 14.** This resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 15.** This resolution shall take effect immediately in accordance with paragraph D of Section C21-9 of the City of Rye Charter.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings  
Larr, and McKean

NAYS: None

ABSENT: None

Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

**Section 9.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 10.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 11.** Upon this resolution taking effect, the same shall be published in full in *The Journal News*, the official newspaper, together with a notice of the Cit Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 12.** This resolution is hereby adopted subject to a permissive referendum in accordance with paragraph B Section C21-9 of the City of Rye Charter.

Councilwoman Larr made a motion, seconded by Councilman McKean, to adopt following resolution:

**RESOLVED**, that the following serial bond be issued for the construction of sanitary sewers as adopted in the fiscal 2003 budget, to wit:

**BOND RESOLUTION DATED JANUARY 22, 2003**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,220,500  
SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY,  
NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF**

**SANITARY SEWERS LOCATED THROUGHOUT AND IN AND FOR SAID CITY.**

**WHEREAS**, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of said capital project; NOW, therefore, be it

**RESOLVED**, by the City Council of the City of Rye, Westchester County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying the cost of the construction of sanitary sewers located through out and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, at a maximum estimated cost of \$1,220,500, there are hereby authorized to be issued \$1,220,500 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$1,220,500 serial bonds of said City authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

**Section 5.** The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature the City Comptroller and a facsimile of its corporate

seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; including but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

**Section 9.** The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

**Section 10.** The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the new York State Department of Environmental Conservation and/or the New York State environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 11.** The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

**Section 12.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 13.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 14.** This resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 15.** This resolution shall take effect immediately in accordance with paragraph D of Section C21-9 of the City of Rye Charter.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean

NAYS: None

ABSENT: None

The resolutions passed.

14. Proposed resolution amending the 2002 Budget to increase estimated revenues and to increase appropriations for the Rye Youth Council in the amount of \$4,450.00

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**WHEREAS**, the City acts as a sponsor for the Rye Youth Council for the purposes of applying for State Aid from the New York State Division for Youth, and,

Agenda Item # 9

Bonding Resolution

Questions and Answers  
for Bond Counsel

## M E M O R A N D U M

**To:** Jean A. Gribbins, City Comptroller and Chief Fiscal Officer

**From:** Kenneth W. Bond, Esq.

**Date:** March 23, 2010

**Re:** Financing Questions from Members of the City Council

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**CONFIDENTIAL – ATTORNEY CLIENT PRIVILEGE**

Questions regarding the financing activities of the City of Rye, New York (the “City”), asked by members of the City Council, have been directed to Squire, Sanders & Dempsey L.L.P., in its capacity as the bond counsel for the City. The following, together with separate supplemental responses from the City Comptroller, are responsive to the questions. Please feel free to ask follow-up questions.

**Q1: Should we bond additional in the fall since rates are so low and could we save money on costs if the deals are linked?**

A1: Although this answer is better provided by the City’s financial advisor opposed to the City’s bond counsel, it seems reasonable to anticipate higher interest rates generally in six to twelve months; should the rates on US Treasury bills and the Fed Reserve discount rate increase, interest increases on municipal debt will follow. Also, Moody’s recently announced it is revising its global debt rating system and Congress is likely to reduce the allowable tax credit for Build America Bonds in 2010 - things which upset the market and push interest rates up. The City will save issuance costs by consolidating bond anticipation notes and serial bonds for purposes of sale.

**Q2: Any implications to our Aaa rating and what does that really mean in this economy?**

A2: Having a Aaa rating from Moody’s indicates excellent financial management in the City and strong economic conditions in the region. It means that the City borrows at the lowest rate of interest among local governments. Given the declining economy of recent years, maintenance of the Aaa rating will require continued diligence to maintain a balanced budget, enforcement of revenue collection, well-planned capital and cash-flow financing, an approach to lower costs of City government operations, while maintaining high quality service delivery.

**Q3: Whether the bond proceeds for the new proposed bond issue can be used for the intended purpose.**

A3: Unless repealed bonds or notes can be first issued under a bond resolution authorization many years after its adoption if the project to be financed exists. This includes the municipality

reimbursing itself for capital projects first paid for from current budget sources, and freeing up budgeted amounts through reimbursement to pay for other capital costs on a pay-as-you go basis.

**Q4: Whether the previously approved but unissued bonds can now be issued after the subsequent delay, and for the intended purpose.**

A4: So long as the City expressed an “official intent” to finance capital projects for which it previously paid from current funds, previously authorized bonds can be issued at a later date to reimburse the general fund. If revenues in the general fund are increased post-budget adoption through reimbursement from bond proceeds, the reimbursement amount may be used for any general fund purpose, including paying for capital items through annual installments of budgeted amounts.

**Q5: Whether it is proper to break up the bond issues in smaller pieces to pay for CVS, with a total cost of a high number.**

A5: It is proper to pay for capital projects on a pay-as-you go basis for several years under an installment purchase arrangement which is not characterized as debt (i.e., annual payments subject to appropriation). General fund moneys, including those received through bond proceeds reimbursed to the general fund for capital project expenses, may be appropriated to installment payments.

**Q6: Whether the unused proceeds from the prior Rec bond issue can be used to pay for the new intended uses approved last year (e.g., Rye Town Park, ball field bathrooms, etc.).**

A6: Unused bond proceeds must be applied to debt service on the outstanding debt unless the issuer, through governing board resolution, determines that the proceeds may be applied to an object or purpose similar to that originally authorized in the bond resolution. This approach saves the issuer the expense of borrowing again and applies unspent proceeds more quickly and efficiently than investing them at restricted interest rates and applied to debt service annually (generally local government municipal bonds are **not** subject to redemption until after the tenth serial maturity).

**Q7: Whether the unused Rec bond proceeds can be used to pay down the outstanding debt on the Rec bond.**

A7: Yes they can. But the City may apply the unused Rec bond proceeds to the costs of a similar object or purpose through appropriate City Council action.

**Q8: What are the consequences if we continue not to use the Rec bond proceeds.**

A8: Both NYS and federal tax law require that proceeds of borrowing be used and spent. The unused Rec bond proceeds must be spent on debt service as the law directs or re-applied for a similar object or purpose through City Council action. In either case such proceeds must be restricted as to yield to make sure the interest earnings do not exceed the interest rate on the bonds and cause loss of tax-exempt status on the City’s bonds.



**Q9: A description of the public safety thresholds that need to be met if we go higher than our limit.**

A9: This is not a legal question other than to say that the City may not exceed its constitutional tax limit and debt limit in trying meet budget expenses or pay for capital items.

**Q10: A restatement that the council has discretion to appropriate or re-appropriate bond funds that have always been authorized for issue under the established limits.**

A10: The City may appropriate unspent bond proceeds for an object or purpose similar to the one originally borrowed for at its discretion. This action requires government body approval.

March 22, 2010

Questions from Members of the City Council of the City of Rye, New York:

**Q1: Should we bond additional in the fall since rates are so low and could we save money on costs if the deals are linked?**

**City Staff Comment 1:**

The City Charter places limitations on the issuance of new debt. After the issuance of \$1,372,000 of new borrowings, and \$2,080,000 of previously authorized but unissued debt, the City will be able to borrow \$18,040 subject to council vote. \$1,642,610 of additional borrowings would be subject to permissive referendum, and any amounts over the \$18,040 and \$1,642,610 would be subject to mandatory referendum. Please see City Staff comment for # 9 regarding the public safety thresholds.

**Q7: Whether the unused Rec bond proceeds can be used to pay down the outstanding debt on the Rec bond.**

**City Staff Comment 7:** Unused proceeds can only be applied to each year's principal and interest as they become due on that specific borrowing, and cannot be used to pay down the debt on any other borrowings.

**Q9: A description of the public safety thresholds that need to be met if we go higher than our limit.**

**City Staff Comment 9:** Debt for public safety purposes in the amount of \$1 million per year to a maximum aggregate amount of \$2.5 million for all such debt issued is exempt from these debt limits. Currently, there is \$876,098 remaining to be borrowed under the public safety Exemption.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Mayor

DATE: March 17, 2010

CONTACT: Mayor Doug French

**ACTION:** Consideration of Resolution in support of the Jay Heritage property.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the Resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:**

## RESOLUTION

**WHEREAS**, the Jay Property is part of the Boston Post Road Historic District, a National Historic Landmark is listed on the New York State and National Registers of Historic Places; is included in the Hudson River Valley Heritage Area; and is a protected site under the City of Rye Landmarks Preservation Ordinance; and

**WHEREAS**, the City of Rye has an interest in ensuring that the Jay Property is properly preserved and protected; and

**WHEREAS**, the Jay Heritage Center, the steward of the Jay Property, is a valued, trusted and respected organization in the City of Rye; and

**WHEREAS**, Suzanne Clary, a resident of the City of Rye and the President of the Jay Heritage Center, appeared before the Rye City Council on March 10, 2010, to remind the public of the importance of the Jay Property and the long standing efforts of the Jay Heritage Center to ensure that the oldest National Historic Landmark in New York State remains a cherished destination in the City of Rye; and

**WHEREAS**, the Jay Heritage Center has raised concerns about the environment, especially with respect to the integrity of the soil and the surrounding 23 acre park, and

**WHEREAS**, the Jay Heritage Center wants to promote the Jay Property as its own historic park; and

**WHEREAS**, a majority of the Council expressed support for all of the Jay Heritage Center's efforts;

**NOW, THEREFORE, BE IT RESOLVED**, that the Rye City Council expresses its continuing support of the Jay Heritage Center's endeavors to preserve the Jay Property today so that it can remain a continued treasure both in the City of Rye and the State of New York and supports its efforts to work with Westchester County in pursuing these goals.



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Mayor

DATE: March 17, 2010

CONTACT: Mayor Doug French

**ACTION:** Consideration of Resolution to participate in Earth Hour on March 27, 2010 when cities across the world will turn off their lights for an hour at 8:30 p.m.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the Resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:**

See attached Resolution.

## **RESOLUTION REGARDING EARTH HOUR**

**WHEREAS**, this March 27, 2010 is the third annual “Earth Hour” where hundreds of millions of people around the world will come together to call for action on climate change by doing something quite simple — turning off their lights for one hour. The movement symbolizes that by working together, each of us can make a positive impact in this fight, protecting our future and that of future generations, and

**WHEREAS**, the City Council of the City of Rye (the “City Council”) promotes energy and cost saving measures to be implemented throughout the City every day, and

**WHEREAS**, last year, 80 million Americans and 318 U.S. cities officially voted for action with their light switch, joining iconic landmarks from around the world that went dark for Earth Hour, including the Empire State Building, Brooklyn Bridge, Broadway Theaters, the Las Vegas Strip and the United Nations Headquarters, among other noteworthy landmarks.

**WHEREAS**, the City Council encourages all residents to voluntarily participate in Earth Hour by turning out their lights for one hour from 8:30 to 9:30 p.m., and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council invites and encourages all residents to participate in Earth Hour, and

**BE IT FURTHER RESOLVED**, that the City Council requests that the Conservation Council Advisory Commission (“CCAC”) begin the process of advising the City Council on ways in which the City can become a more sustainable City and implement more environmentally-friendly policies, and

**BE IT FURTHER RESOLVED**, that the City Council requests that the CCAC begin developing a sustainability plan with the theme of “Continuing to go green to save green.”

Dated: March 24, 2010



# CITY COUNCIL AGENDA

NO. 12

DEPT.: Public Works

DATE: March 19, 2010

CONTACT: George J. Mottarella, City Engineer

**ACTION:** Award bid for Street Materials (Bid #1-10).

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That Bid #1-10 be awarded to Putnam Materials for crushed stone (both sizes) and graded processed stone, to Peckham Materials for sub-base, binder course (both types), shim course, top course (both types) and curb mix and to Dakota Supply for concrete (both types).

**IMPACT:** Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The City Engineer has reviewed the bids for street materials received from five vendors and has recommended the bid be awarded to the low bidders as follows:

Crushed stone  $\frac{3}{4}$  – Putnam Materials  
Crushed stone  $1 \frac{1}{2}$  – Putnam Materials  
Graded processed stone – Putnam Materials  
Sub-base (recycled concrete) – Putnam Materials  
Binder course Type 3 - Peckham Materials  
Binder course Type 4 - Peckham Materials  
Shim course Type 5 - Peckham Materials  
Top course Type 6F - Peckham Materials  
Top course Type 7F - Peckham Materials  
Asphaltic concrete curb mix - Peckham Materials  
Class “A” Concrete – Dakota Supply  
K-Krete® - Dakota Supply

DATE: March 19, 2010  
TO: Frank J. Culross, Interim City Manager  
FROM: George J. Mottarella, City Engineer  
RE: Bid #1-10, Street Materials

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I have reviewed the bids received for Bid #1-10, Street Materials and a copy of my bid tabulation is attached for your convenience. Please note that the F.O.B. price is shown as bid and as computed according to the mileage adjustment formula in the bid.

I recommend the bid be awarded as follows:

Crushed stone $\frac{3}{4}$	=	Putnam Materials
Crushed stone $1 \frac{1}{2}$	=	Putnam Materials
Graded processed stone	=	Putnam Materials
Sub-base (recycled concrete)	=	Peckham Materials Corp.
Binder course Type 3	=	Peckham Materials Corp.
Binder course Type 4	=	Peckham Materials Corp.
Shim course Type 5	=	Peckham Materials Corp.
Top course Type 6F	=	Peckham Materials Corp.
Top course Type 7F	=	Peckham Materials Corp.
Asphaltic concrete curb mix	=	Peckham Materials Corp.
Class A Concrete	=	Dakota Supply
K-Krete®	=	Dakota Supply

cc: Dawn Nordarse, City Clerk  
Peter Anfuso, General Foreman

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*Public Works*  
141 Oakland Beach Avenue  
Rye, NY 10580



**STREET MATERIALS**

**Bid #1-10**

NAME OF BIDDER		RCA Asphalt		Dakota Supply		Peckham Materials		Putnam Materials		Canal Asphalt	
#	Items	PER TON		PER TON		PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone 3/4"	35.00/47.50*	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	28.25	No Bid	No Bid
	Crushed Stone 1 1/2"	35.00/47.50*	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	28.25	No Bid	No Bid
	Graded Processed Stone NYS 304.02	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	22.75	No Bid	No Bid
	Sub-base NYS 304.6	No Bid	No Bid	10.50/37.62*	19.00	No Bid	15.00	No Bid	No Bid	No Bid	No Bid
		PER C.Y.		PER C.Y.		PER C.Y.		PER C.Y.		PER C.Y.	
#	Items	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
403.13	Binder Course Type 3 (3.5%)	83.00/95.50*	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	70.90/83.76*	No Bid
403.14	Binder Course Type 4 (4.0%)	No Bid	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	72.30/85.16*	No Bid
403.15	Shim Course Type 5 (8.25%)	100.00/112.50*	No Bid	No Bid	No Bid	78.00/81.95*	No Bid	No Bid	No Bid	87.15/98.01*	No Bid
403.17	Top Course Type 6F (6.4%)	90.00/102.50*	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	75.30/88.16*	No Bid
403.19	Top Course type 7F (7.0%)	95.00/107.50*	No Bid	No Bid	No Bid	78.00/81.95*	No Bid	No Bid	No Bid	78.80/91.66*	No Bid
714.06	Asphaltic Concrete Curb Mix (7.5%)	100.00/112.50*	No Bid	No Bid	No Bid	80.00/83.95*	No Bid	No Bid	No Bid	No Bid	No Bid
502.2	Class "A" Concrete	No Bid	No Bid	116.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
8502.95	Controlled backfill ("K-Krete")	No Bid	No Bid	84.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
*Mileage adjustment as per bid specifications											



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Mayor

DATE: March 17, 2010

CONTACT: Mayor Doug French

**ACTION:** Appointments to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointments.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Mayor

DATE: March 17, 2010

CONTACT: Mayor Doug French

**ACTION:** Consideration to set additional meetings of the City Council.

**FOR THE MEETING OF:**

March 24, 2010

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the Council approve the additional meeting dates.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The following additional meeting dates have been proposed:

- 1) A special meeting of the City Council to be held on Monday, June 14<sup>th</sup> in Council Chambers for a follow-up presentation to the Financial presentation given on March 15<sup>th</sup>.
- 2) An off-week City Council meeting to be held on Monday, July 26<sup>th</sup> at the Osborn.
- 3) An off-week City Council meeting to be held on Monday, September 27<sup>th</sup>.